

Panaji, 20th June, 2013 (Jyaistha 30, 1935)

SERIES II No. 12

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

### GOVERNMENT OF GOA

#### Department of Co-operation

Office of the Registrar of Co-operative Societies

#### Order

No. 50/3/(147)/Elec./SHUC/RGB/SGD/  
/RCS/2012/3086

Ref.: Letter No. SUCCS/119/12-13 dated 14-9-2012 from The Sahakar Urban Credit Co-op. Society Ltd., Vasco-da-Gama, Goa requesting therein exemption in terms of Section 126A of the Goa Co-op. Societies Act, 2001 for holding the election to the Representative General Body.

In exercise of the powers conferred by Section 126A of the Goa Co-operative Societies Act, 2001, Government is pleased to exempt The Sahakar Urban Credit Co-op. Societies Ltd., Vasco-Da-Gama, Goa from the provisions of Section 69 of the Goa Co-op. Societies Act, 2001, for the next term i.e. 2013 to 2018.

By order and in the name of the Governor of Goa.

*J. B. Bhingui*, Registrar of Coop. Societies & ex officio Joint Secretary.

Panaji, November, 2012.

#### Notification

No. 21/1/04-MR/MKT/RCS/1192

In exercise of the powers conferred by Clause (Zr) of Section 2 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007, the Government of Goa hereby appoints the Deputy Registrar of Co-operative Societies, Office of the Registrar of Co-operative Societies, Government of Goa, Panaji, as the State Marketing

Officer for the purposes of the said Act, with immediate effect.

By order and in the name of the Governor of Goa.

*J. B. Bhingui*, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 4th September, 2012.

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Office of the Asstt. Registrar of Co-operative Societies

#### Order

No. 1/13/00-TS 591

- Read: 1. This office order No. 1/10/00-TS-Vol. II dated 13-01-2005 appointing Shri B. Y. Sawant, Sr. Auditor/Inspector, Co-op. Societies, North Zone Mapusa-Goa as a Liquidator of the Soccoro M. P. Co-op Society Ltd., Soccoro, Porvorim-Goa.
2. This office order No. 1/10/00-TS-Vol. II dated 22-08-2006 appointing Shri Ligor Fernandes, Jr. Auditor/Inspector, Co-op. Societies, North Zone, Mapusa as a liquidator of the Soccoro M. P. Co-op. Society Ltd., Soccoro, Porvorim-Goa.
3. This office order No. 1/10/00-TS-Vol. II dated 22-02-2010 appointing Shri Dinesh M. Kantak, Jr. Auditor/Inspector, Co-op. Societies, North Zone, Mapusa-Goa as a Liquidator of the Soccoro M. P. Co-op. Society Ltd., Soccoro, Porvorim-Goa.
4. This office order No. 1/10/00-TS-Vol. II dated 01-10-2010 appointing Shri P. L. Gawande, Jr. Auditor/Inspector, Co-op. Societies, North Zone, Mapusa-Goa as a Liquidator of the Soccoro M. P. Co-op. Society Ltd., Soccoro, Porvorim-Goa.

In partial modification of this office order at Sr. No. 4 cited above, Shri Krishna Mhalshekar, Jr. Auditor/Inspector Co-op. Societies, North Zone, Mapusa-Goa is hereby appointed as a Liquidator of the Soccoro M. P. Co-op. Society Ltd. Soccoro Porvorim-Goa in place of Shri P. L. Gawande, Jr Auditor/Inspector with effect from the date of taking over the charge of the society.

*R. A. Pednekar*, Asstt. Registrar of Coop. Societies North Zone.

Mapusa, 12th February, 2013.

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**Order**

No. 2/29/00-TS/592

- Read: 1. This office order No. 2/29/00-TS dated 25-07-2008 appointing Shri Ligor Fernandes, Jr. Auditor/Inspector, Co-op. Societies, North Zone, Mapusa Goa as a Liquidator of the Moira Peoples Cons. Co-op. Societies Ltd., Bardez-Goa.
2. This office order No. 2/29/00-TS dated 26-02-2010 appointing Shri Dinesh M. Kantak, Jr. Auditor/Inspector, Co-op. Societies, North Zone, Mapusa as a Liquidator of the Moira Peoples Cons. Co-op. Societies Ltd., Bardez-Goa.
3. This office order No. 2/29/00-TS dated 01-12-2010 appointing Shri P. L. Gawande, Jr. Auditor/Inspector, Co-op. Societies, North Zone, Mapusa Goa as a Liquidator of the Moira Peoples Cons. Co-op. Societies Ltd., Bardez-Goa.

In partial modification of this office order at Sr. No. 3 cited above, Shri Yogesh Surlakar, Jr. Auditor/Inspector Co-op. Societies, North Zone, Mapusa-Goa is hereby appointed as a Liquidator of the Moira Peoples Cons. Co-op. Society Ltd., Bardez-Goa in place of Shri P. L. Gawande, Jr. Auditor/Inspector with effect from the date of taking over the charge of the society.

*R. A. Pednekar*, Asstt. Registrar of Coop. Societies North Zone.

Mapusa, 12th February, 2013.

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**Order**

No. 1/2/00-TS/LQD/200

- Read: 1. This office Order No.1/2/00-TS dated 14-01-2005 appointing Shri D. R. Kamble, Sr. Auditor, Co-op. Societies, North Zone,

Mapusa-Goa as a liquidator of the Saligao V.K.S.S. Society Ltd., Saligao, Bardez-Goa.

2. This office Order No. 1/2/00-TS dated 10-08-2012 appointing Shri Krishna Mhalshekar, Jr. Auditor, Co-op. Societies, North Zone, Mapusa-Goa as a Liquidator of the Saligao V.K.S.S. Society Ltd., Saligao, Bardez-Goa.
3. Letter dated 4-12-2012 from Shri Krishna Mhalsekar, the Liquidator of the Saligao V.K.S.S. Society Ltd., Saligao, Bardez-Goa forwarding therewith the proposal for reconstruction of a aforesaid society in term of provision of Section 16 of Goa Co-operative Societies Act, 2001 and Rule 15 of Co-op. Societies, Rules, 2003.
4. This office draft Order No. 1/2/00-TS/LQD dated 5-12-2012 issued under Section 16 of Goa Co-operative Societies Act, 2001 read with rule 15(1) of Co-op. Societies Rules, 2003 suggesting as to how the scheme for reconstruction of the society be implemented and inviting suggestions/objections if any, from all those whose interest may be effected due to said reconstruction.
5. Letter dated 7-1-2013 received from Shri Krishna Mhalsekar, Liquidator of Saligao V.K.S.S. Society Ltd., Saligao Bardez-Goa submitting there under report regarding no any objection of members for reconstruction of the society.

The Saligao V.K.S.S. Society Ltd., Saligao, Bardez-Goa was registered under the repealed Act under code symbol No. RES-C-51/Goa dated 29-07-1963 and was classified as "Resource Society" under Sub-classification 8 (c) in term of Rule 9 of Maharastra Co-op. Societies Act, 1962 and deemed to be registered under the Goa Co-op. Societies Act, 2001 and Rules, 2003.

The main objects of the society are to encourage thrift, self-help and co-operation among its members, to meet all the needs of members relating to agriculture by providing them short term/medium term loans at moderate rates of interest, by raising funds by means as specified in bye-law No. 3 of the society for raising agricultural crops, to act as an agent of the members of the society by undertaking the work of purchase, storage and distribution of domestic and agricultural

requirements viz. improved seeds, manures, fertilizers and fodder, to purchase agricultural implements, machines, engines and oil etc. and store them on behalf of the members, to construct or purchase or hire on rent godowns for storing the agricultural goods of members and to let on hire the godowns to the members and the other objects at Sr. Nos. 6 to 12 listed in the Bye-Law No. 2 of the society.

Since, the society has failed to convene its Annual General Body Meeting for the last several years, to constitute the Managing Committee of the society and manage the affairs of the society and also due to failure as per the provisions of Co-op., Societies, Act, Rules and bye-laws of the society to prepare required statements of accounts and the society has not undertaken any business activities and being stagnant, the society was taken into liquidation and affairs of the society were wound up vide this office order cited at Sr. No. 1 above in order to proceed with the liquidation proceedings, realization of the assets and settling the liabilities as per procedure laid down under Section 105 of the Erstwhile Maharashtra Co-op. Societies Act, 1960 read with Rule 86 of the Coop, Societies Rules, 1962.

However, in course of liquidation proceedings of the said society there was a proposal for reconstruction of the society from the members and accordingly the prospects of such reconstruction was explored by the liquidator vide letter dated 04-12-2012 as cited at Sr. No. 3 above submitted the proposal for reconstruction of the society after complying with all the formalities required by the law. Accordingly, in terms of Section 16 of the Goa Co-op Societies Act, 2001, read with Rule 15 (1) of Co-op. Societies Rules, 2003 a draft order for construction of the said society cited at Sr. No. 4 above was issued by this office inviting suggestions/objections, if any, from all those whose interest may be effected by the said reconstruction within 30 days from the date of issue of the said order.

However, no suggestions/objections to the scheme for reconstruction of the aforesaid society on the lines proposed by the liquidator in his proposal submitted to this office and as contained in this draft order referred at Sr. No. 4 above, have been received from any one concerned within stipulated time limit and hence the following order for the reconstruction of the said society is hereby passed.

## ORDER

In exercise of the powers vested to me under Section 16 of the Goa Co-op. Societies Act, 2001 read with Rule 15 (2) of Co-op. Societies Rules, 2003, I, R. A. Pednekar, Asstt. Registrar of Co-op. Societies, North Zone, Mapusa-Goa hereby approve the proposal for reconstruction of the Saligao V.K.S.S Society Ltd., Saligao Bardez-Goa as contained in this office draft order dated 05-12-2012 cited at Sr. No. 4 above.

Further, in virtue of the powers vested in me under sub-section 6 of Section 93 of the aforesaid Act, I hereby order the vacation of the liquidation order No. 1/02/00/TS dated 14-01-2005 placing the Saligao V.K.S.S. Society Ltd., Saligao Bardez-Goa under liquidation with effect from the date the liquidator hand over the charge to the newly elected Managing Committee of the society. I, further direct the liquidator of the aforesaid society to take necessary action for constituting the Managing Committee by holding the General Body meeting of the society as per the provisions of the Bye-laws of the society for constitution of such a committee.

R. A. Pednekar, Asstt. Registrar of Co-op. Societies North Zone.

Mapusa, 15th January, 2013.

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## Department of Fisheries

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Order

No. DF/ADMN/F/SOF/GBG/AH/2013/1243

The Governor of Goa is pleased to promote Shri Raghunath Bablo Kawthankar, Asstt. Supdt. of Fisheries (Group "C", Non-Gazetted) to the post of Supdt. of Fisheries (Group "B", Gazetted) on ad hoc basis in the Department of Fisheries, Panaji-Goa w.e.f. the date he takes over the charge of the said post in the pay scale PB—2 ` 9,300-34,800+ Grade Pay ` 4,600/- plus other allowances as admissible from time to time.

His promotion is made against the post vacated by Dr. (Smt.) Shamila Monteiro (Promoted).

The above ad hoc appointment will not bestow on the promoted Officer any claim for regular appointment and the service rendered on ad hoc basis in the Grade will not count for the purpose of seniority in their Grade or for eligibility for promotion to the next higher Grade.

The expenditure shall be debited to the Budget Head 2405—Fisheries, 00-001—Direction & Administration, 01—Administrative Staff, 01—Salaries under Demand No. 66.

This has been approved by Government vide their entry No. 4671/F dated 14-05-2013.

By order and in the name of the Governor of Goa.

Dr. (Smt.) *Shamila Monteiro*, Director & ex officio Joint Secretary (Fisheries).

Panaji, 7th June, 2013.

#### Notification

No. 3/11/89/FSH/2012-13 (II)

In exercise of the powers conferred by Section 22 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (Act No. 3 of 1981) (hereinafter referred to as the “said Act”), and in supersession of the Government Notification No. 3/11/89-FSH dated 28th May, 1997 published in the Official Gazette, Series II No. 40 dated 1st January, 1998, the Government of Goa hereby constitutes an Appellate Board consisting of the following persons, for the purposes of the said Act, with immediate effect.

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|--|-------------|
| (1) Shri V. P. Shetye,<br>Ex-District Judge    | – Chairman. |
| (2) Adv. Prakash Cairo,<br>Navelim, Salcete    | – Member.   |
| (3) Adv. Byron Rodrigues,<br>Benaulim, Salcete | – Member.   |

By order and in the name of the Governor of Goa.

Dr. (Smt.) *Shamila Monteiro*, Director & ex officio Joint Secretary (Fisheries).

Panaji, 10th June, 2013.

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#### Department of Home

HomeóGeneral Division

#### Order

No. 27/23/2013-HD(G)

Whereas, the Director General of Police has reported the alleged kidnapping case of a young girl in area of Colva Police Station on 09-06-2013. As per the report information was received by SDPO, Margao-Goa on 09-06-2013 from Police

Constable, Gaurish Velip on duty on Robot-56 informing that two suspected persons are caught by locals at Voltar, Benaulim and they have been beaten up mercilessly by public and confined.

And whereas, on receipt of the above information PSI Tulshidas and staff rushed to the spot at Voltar, Benaulim, where a crowd of 1000 people including men and women had gathered and one of the suspected tied to a tree with a nylon rope and another was beaten up by the crowd. The said information passed on to the superiors and Dy. Collector requesting for their presence to deal with Law and Problem.

And whereas, PCR van from Margao reached the spot and said suspect Vijay Raut put into the Robot van in order to take him to the Colva Police Station. However, Police Jeep was restrained by the angry mob numbering 1000. The member of the mob were demanding the presence of the accused who had taken the victim girl. Since accused & victim girl was not brought by the Police the mob damaged the jeep No. GA-07-G-0254 in which the accused Vijay Raut was placed.

And whereas it was reported that on inquiry with the suspect it was learnt i.e. there were all together 8 persons who had come for holiday from Uttar Pradesh and were staying in the hotel at Colva Beach. SDPO Margao & Dy. Collector Salcete was present at the Police Station and tried to convince the mob. However, the mob entered the Police Station and man-handled some of the accused detained at the Police Station wherein many Police Personnel were injured at the Police Station.

And whereas, the Dy. Collector ordered for mild lathi charge & bursting of tear smoke shell. The mob thereafter started pelting stones. Dy. Collector ordered for firing in air and 9 rounds from SLR were fired in air and the mob on both the side disbursed.

And whereas the use of civil force and firing in the air controlled the situation and the life of the 8 suspects.

Now therefore, Government of Goa hereby appoints Additional Collector-I South Goa District Smt. Sandhya Kamat (hereinafter referred to as “Inquiry Officer”) to conduct and independent magisterial inquiry with the following terms of references:

1. To find out the circumstances which led to the incident involving mob attack on the Colva Police Station on 09-06-2013.



2. To find the persons who were responsible for organizing the mob and leading them to the police station.
3. To determine the adequacy or otherwise of the measures adopted by the police to tackle the situation.
4. To assess the state of preparedness on the part of police to tackle such situation.
5. To collect any other information which the Inquiry Officer may deem it necessary to fulfil the above objectives.

The Inquiry Officer shall submit her report to the Government within 10 days from the date of issue of this order.

By order and in the name of the Governor of Goa.

*Neetal P. Amonkar*, Under Secretary (Home).

Porvorim, 10th June, 2013.

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#### Department of Labour

Office of the Commissioner, Labour and Employment

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#### Order

No. CLE/(RIA-05)/2008/2991

In pursuance to clause 5 of the Right to Information Act, 2005 the following Official are hereby appointed as Public Information Officer and Assistant Public Information Officer for area of the jurisdiction as shown against their names to deal with the applications received from the public under the Right to Information Act, 2005 for the Building and Other Construction Workers Welfare Board, Panaji.

Sr. No.	Name of the officer & designation	Public Information Officer/ Assistant Public Information Officer	Area of Operation
1	2	3	4
1.	Shri Pacheco Fernandes, Accounts Officer	Public Information Officer	Throughout the State of Goa.
2.	Shri Hemant J. Thakur, Cashier	Assistant Public Information Officer	Throughout the State of Goa.

*F. Rodrigues*, Commissioner, Labour and Employment.

Panaji, 10th June, 2013.

#### Order

No. CLE/(RIA-05)/2008/2992

In pursuance to clause 5 of the Right to Information Act, 2005 the following Official are hereby appointed as Public Information Officer and Assistant Public Information Officer for the area of the jurisdiction as shown against their names to deal with the applications received from the public under the Right to Information Act, 2005 for the Labour Welfare Board, Panaji.

Sr. No.	Name of the officer & designation	Public Information Officer/ Assistant Public Information Officer	Area of Operation
1	2	3	4
1.	Shri Pacheco Fernandes, Accounts Officer	Public Information Officer	Throughout the State of Goa.
2.	Shri Luis Borges, U. D. C.	Assistant Public Information Officer	Throughout the State of Goa.

*F. Rodrigues*, Commissioner, Labour and Employment.

Panaji, 10th June, 2013.

#### Notification

No. 28/1/2013-LAB/236

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 10-04-2013 in Reference No. IT/36/11 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*D. S. Morajkar*, Under Secretary (Labour).

Porvorim, 6th May, 2013.

IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA  
AT PANAJI

(Before Smt. Bimba K. Thaly, Presiding Officer)

Ref. No. IT/36/11

Shri Suresh Waman Jadhav,  
Rep. by the President,  
Goa Trade & Commercial  
Workers Union,  
Velho Building, 2nd Floor,  
Panaji-Goa. ... Workman/Party I

V/s  
M/s. Starflex Sealing India  
Pvt. Ltd.,  
Verna, Salcete, Goa-403722 ... Employer/Party II

Workman/Party I in person.  
Adv. L. V. Palekar for Party II.

## AWARD

(Passed on 10th day of April, 2013)

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short the Act) the Government of Goa by order dated 08-11-2011 bearing number 28/28/2011-LAB has referred the following dispute for adjudication by this Tribunal.

- “(1) Whether the action of the management of M/s Starflex Sealing India Private Limited, Verna, Salcete, Goa, in dismissing from service it's workman, Shri Suresh Waman Jadhav, Operator, with effect from 02-02-2011, is legal and justified?”
- (2) If not, what relief the workman is entitled to?”

2. On receipt of the reference, a case was registered under No. IT/36/11 and registered A.D. notices were issued to the parties. Upon receipt of the notice Party I filed the claim statement at Exb. 3, Party II filed the written statement at Exb. 5 and thereafter Party I filed the rejoinder at Exb. 6.

3. In the claim statement, it is in short the case of Party I that Party II has issued him a charge sheet dated 1-9-2009 alleging certain acts of misconducts to which he filed the reply. That the management conducted the enquiry which was in gross violation of the principles of natural justice. The Enquiry Officer (E.O.) gave non reasoned findings in a mechanical manner, in favour of the management and acted in bias and prejudicial manner in favour of the management. That the charges levelled against him in the charge sheet dated 1-9-09 have not been proved beyond reasonable doubt. That the findings given by the E.O. are perverse and are liable to be set aside and quashed. It is stated that the Manager HR changed the date of enquiry fixed by E.O. from 23-7-10 to 17-7-10 in excess of jurisdiction, in the

said enquiry. It is stated that the workman was not paid subsistence allowance but despite it he participated in the enquiry on 23-7-10 at 3:30 p.m. however neither the E.O. nor the Management Representative (M.R.) remained present on that date which is a clear mischief on the part of the E.O. and the M. R. done at the behest of the management of Party II. It is stated that the E.O. acted in undue haste to complete the enquiry at the behest of Party II and closed the enquiry on 17-7-10 to oblige the management of Party II and to deny reasonable opportunity to Party I Workman to defend his case. It is stated that great injustice, irreparable loss and prejudice has been caused to Party I Workman as he has been denied an opportunity to lead evidence in defence. It is stated that the E.O. was a mere agent of the management who made a farce of conducting the enquiry which he conducted in flagrant violations of principles of natural justice. It is stated that the findings are merely mechanical and non reasoned which are stretched totally in favour of the management. It is stated that the findings given by the E.O. are perverse and liable to be set aside and quashed. It is stated that the E.O. has failed to discuss and analyze the evidence and material of the defence and that the management has failed to prove the charges made against the workman in the enquiry. It is stated that there is no direct evidence against the Workman. According to the Workman no charge of whatsoever nature has been proved against him and the findings submitted by the E.O. are perverse, false, bogus and improper and that the dismissal of his services has also been done in violation of section 33 of the Act. The Workman has therefore prayed for reinstatement back in the services with full back wages and continuity in service alongwith all other consequential benefits.

4. In the written statement, Party II has denied the case setup by Party I in the claim statement and has stated that Party I Workman alongwith others participated in various agitations and instigated other Workmen to resort to violence and even some workmen on 29-4-09 brutally assaulted security personnel Mr. Pio Rebello due to which employer lodged police complaint on 30-4-09 against Party I and six others. On account of above act and other series of acts Party II suspended Party II and six other Workmen by order dated 30-4-09. Party II then issued a charge sheet and initiated common domestic enquiry to investigate the charge levelled against Party I Workman and two others. Party I Workmen by his reply dated 28-7-09 denied the allegations levelled against

him. Party II continued with the domestic enquiry which commenced on 8-8-09 and the same was conducted regularly. It is stated that the Party I and others were given full and complete opportunity to defend themselves and were permitted to be represented by the representative of their choice. It is stated that in the meantime it was learnt that Party I Workman was gainfully employed elsewhere and as such he was called upon to furnish an affidavit to state on oath that he was not gainfully employed elsewhere however Party I Workman did not give any such affidavit thus confirming the apprehension of the management that Party I was gainfully employed elsewhere and this fact disentitled him to any subsistence allowance. It is stated that the Workman continued appearing in the enquiry however on 5-6-10, the defence representative as well as all the workmen except two were absent on the false pretext that they were unable to remain present as subsistence allowance was not paid and this was informed to the E.O. by the defence representative on phone. Nonetheless, the E.O. adjourned the proceedings to 18-6-10 and thereafter to 12-7-10. It is stated that the change of venue was intimated to all the parties. It is stated that on 12-7-10 Party I Workman remained absent but the defence representative was present and made several false and frivolous claims which were replied to by the management representative. The enquiry was then adjourned to 23-7-10 but for certain reasons it was rescheduled to 17-7-10 with due notices dated 13-7-10 to the Workmen. It is stated that on 17-7-10 neither the Workmen nor their representative remained present and the defence representative telephonically informed the E.O. that they would not participate in the enquiry. Thus, taking into account the above fact amongst others, the E.O. came to the conclusion that there was no scope for further adjourning the enquiry and hence he closed the enquiry. It is stated that the E.O. submitted the findings dated 13-10-10 holding that the charges levelled against the Workman were proved. It is stated that Party II by letter dated 30-12-10 sent the findings of the E.O. to the Workman and called upon him to show cause as to why the same should not be accepted. It is stated that the Workman sent the reply dated 7-1-11 submitting false, frivolous, concocted and untenable grounds. It is stated that the management however came to the conclusion that the charges levelled against the Workman stood proved and that the punishment of dismissal was warranted and by an order dated 2-2-11 dismissed the Workman from services upon which

the Workman raised an industrial dispute. It is stated that the Workman was found guilty of a very serious misconduct at the domestic enquiry in which a fair and reasonable opportunity was given to him to defend himself but he refused to participate in the enquiry after a point of time citing untenable excuses which were false and concocted to his own knowledge. Thus, according to Party II the dismissal order passed against the Workman is just, fair and in accordance with law and the demand raised by the Workman seeking reinstatement and back wages is completely unjustified and the reference is liable to be rejected hence Party II has prayed to reject the reference.

5. In the rejoinder Party I has denied the contentions raised by Party II in the written statement.

6. In the course of further proceedings Adv. Shri Suhas Naik who was initially representing the union submitted before the court that he wants to withdraw his appearance and prayed for time to take necessary steps. In the meantime and more particularly on 8-3-13, an application at Exb. 7 signed by Party I and Party II was filed before this court stating that parties have settled the pending disputes including the subject matter of this reference, without the intervention of any union and have entered into the consent terms which provide for settlement of the issues arising out of the subject matter of reference and the quantum of compensation thereto. Parties also annexed the said consent terms to the above application, which consent terms read as under:

1. The parties herein have settled all the pending disputes between themselves including the issues which form the subject matter of the present Reference.
2. The Workman states that he wants to settle the issues independently and without intervention of any union. He is producing his Voter I. D. No. MT/01/001/171331 as and by way of his identity proof. A certified true copy of the same is annexed to these consent terms as Annexure A.
3. On execution of this consent terms, the Workman shall be deemed to have resigned from the services of the Employer w.e.f. 02-02-2011.
4. On execution of this consent terms, the Employer will pay to the Workman a sum of Rs. 38,328/- (Rupees thirty eight thousand three hundred and twenty eight only) vide

Demand Draft No. 003879 drawn on HDFC Bank. A certified true copy of the said Demand Draft is annexed to these consent terms as Annexure B. The said amount is in full and final settlement of all dues which may be payable by the Employer to the Workman including dues of outstanding salary, if any, gratuity and any other payments which may be required to be paid under any statute. The Workman shall neither be entitled to nor shall he make any further monetary claim as against the Employer.

5. The aforesaid amount of Rs. 38,328/- (Rupees thirty eight thousand three hundred and twenty eight only) is paid and accepted by the Workman in full and final settlement of all his claim against the First Party Employer. The Workman declares that he has now no claim of any nature whatsoever either for reinstatement or for re-employment or monetary in nature against the First Party Employer.

6. The Workman and the Employer jointly pray that the Reference be disposed off terms of these Consent Terms.

7. The above terms are signed by Party I Workman as well as Party II before a notary. It may be mentioned here that Adv. Shri Suhas Naik on 14-4-2013 filed an application at Exb. 8 stating that Party I Workman has resigned from the membership of Goa Trade and Commercial Workers Union (AITUC) w.e.f. 12-01-2013 and has joined the membership of Bharatiya Kamgar Sena and that he as the Secretary of AITUC does not wish to represent the workman. Learned advocate Shri Suhas Naik has also annexed the copy of the resignation letter sent by Party I Workman to AITUC as well as a copy of the letter dated 15-1-2013 sent by the President of Bharatiya Kamgar Sena to the President of AITUC stating that the Workman working with Party II have resigned from the membership of AITUC and have joined Bharatiya Kamgar Sena and hence it is apparent that Party I Workman is not being represented by AITUC.

8. I have gone through the terms of the settlement and the Annexures to it i.e. Exb. 7 and I am satisfied that the terms of settlement are certainly in the interest of Workman. I, therefore, accept the said terms and pass the following:

## ORDER

1. The reference stands disposed off by consent award in view of the consent terms filed by the parties at Exb. 7.

2. No order as to costs.

Inform the Government accordingly.

Sd/-

(B. K. Thaly),  
Presiding Officer,  
Industrial Tribunal-  
-cum-Labour Court.

## Notification

No. 28/1/2013-Lab/194

The following award passed by the Industrial Tribunal and Labour Court at Panaji-Goa on 04-01-2013 in reference No. IT/115/07 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*D. S. Morajkar*, Under Secretary (Labour).

Porvorim, 22nd April, 2013.

IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA AT PANAJI

(Before **Smt. Bimba K. Thaly, Presiding Officer**)

Ref. No. IT/115/07

Shri Santosh K. Kudnekar,  
Carlito Town Centre,  
Flat No. F-2, Behind  
Bus Stand, Church wado,  
Bicholim, Goa.

... Workman/Party I

V/s

M/s. Phil Corporation Ltd.,  
Thivim Industrial Estate,  
Karaswada Mapusa, Goa.

... Employer/Party II

Party I/Workman represented by Shri Subhash Naik George.

Party II/Employer represented by Adv. Shri P. J. Kamat.



## Award

(Passed on 4th January, 2013)

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (for short 'the Act') the Government of Goa by order dated 9-11-2007 bearing No. 28/3/2007-LAB/1105, has referred the following dispute for adjudication.

- “(1) Whether, Shri Santosh K. Kudnekar, Junior Officer, could be construed as “Workman” as defined under clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?
- (2) If the answer to the issue No. (1) above is in the affirmative, then, whether the action of the management of M/s. Phil Corporation Ltd., Thivim Industrial Estate, Karaswada Mapusa, Bardez, Goa, in terminating the services of Shri Santosh K. Kudnekar with effect from 22-07-2006, is legal and justified?
- (3) If the answer to issue No. (2) above is in negative, then, to what relief the Workman is entitled?”

2. Upon receipt of the reference, IT/115/07 was registered. Notices were issued to both the parties under registered A/D post upon which both the parties were served. Party I filed the statement of claim at Exb. 6. Party II filed the written statement at Exb. 7. Rejoinder was filed by Party I at Exb. 8.

3. In the statement of claim, it is in short the case of Party I that he was engaged as Officer-Technical with Party II. That he was employed since 30-11-1983 and initially he was appointed as Turner-cum-Fitter. That he was confirmed after six months and was promoted as Junior Officer-Technical and thereafter as Officer-Technical in the year 2000. At the time of termination, he was working at Valpoi factory of Party II where he worked since August, 2005 till the date of termination. That he performed following duties with Party II.

- a. He worked on paper coversion plant.
- b. He operated machines such as paper slitting machines.
- c. He prepared and submitted production report to Mr. Sanjay Shinde, Asstt. Manager.
- d. He reported to his superior Mr. Sanjay Shinde and received instructions from him as regards work to be done.

- e. No workers were working under or with Party No. 1.
- f. There were only officers working alongwith him in his department.
- g. All were reporting to Mr. Sanjay Shinde, Manager and were receiving instructions from him to do work.
- h. Leave of theirs was being sanctioned by Mr. Shinde and he would supervise their work as well as allot work to them.

4. It is further the case of Party I that on 22-7-06 when he was issued a letter of the same date stating that his services were terminated with immediate effect. It is stated that at the time of termination no one months notice was given to him and no retrenchment compensation so also no leave wages were paid to him. It is stated that the management also did not prepare a seniority list and follow the principle of “last come, first go” before terminating his services and thus violated provisions of Section 25F and 25G of the Act. It is stated that Party I addressed several letters to Party II demanding that the termination be set aside and he be reinstated in service with full back wages and continuity of service and also raised industrial dispute with Asstt. Labour Commissioner, Mapusa, Goa, however no settlement was arrived at and dispute came to be referred to this Tribunal. Party I has therefore prayed to hold that his termination is illegal and unjustified and to reinstate him in service with full back wages and continuity of service with costs and also to grant subsistence allowance of 50% wages pending adjudication, by way of interim relief.

5. In the written statement Party II has denied the case set up by Party I in the claim statement and has stated that the reference is not maintainable as Party I is not a Workman as defined u/s 2(s) of the Industrial Disputes Act, 1947. It is also stated that the factories at Thivim and Bicholim of Party II are closed from May, 2006 and the factory unit No. 2 at Valpoi has been closed from July, 2006, which closure has been accepted by the Workmen, staff and officers of the Party II and as such no relief after the date of closure would be granted.

6. It is further stated that as Party II was making losses, at the instance of the Board of Directors, it has been considered as a sick industrial company in terms of Sec. 3(1)(o) of the Sick Industrial Companies (Special Provisions) Act, 1985 (for short SICA). It is stated that when the reference is registered and the Board for Industrial

and Financial Reconstruction has declared Party II as a sick industry, the provisions of Sec. 22 of SICA would be attracted.

7. It is also the case of Party II that right from time promotion of Party I as a Junior Officer he was not a member of the Union as he was in supervisory cadre and being so he was also not governed by the certified standing orders of the Party II. It is stated that as a Junior Officer the duties of Party I were to supervise the work of the Workmen working in the conversion plant, paper slitting machines etc. and that the conditions of service, emoluments, benefits of the Party I were all together different from the workers categories. It is stated that all the jobs such as to convert the films and papers, packing the finished goods, documentation of the goods produced, inspection of packaging material, films, papers once they are packed, documentation of quality manuals, system procedure manuals and conducting of internal quality audit were performed by the technicians, clerks employed in the production section with the help of the helpers, peons under the supervision of Party I who was the officer with Party II. It is stated that Party I being an officer in the supervisory category was discharged with one months notice wage in lieu of notice and ex-gratia compensation and that Party I accepted and encash the said cheque. It is stated that Party I was reporting to the Asstt. Manager for administrative purposes but all the instructions to the workers were given by Party I and got the work under his supervision. Thus, amongst above and other grounds, Party II has prayed to reject the reference.

8. In the rejoinder Party I has denied the averments made by Party II in their written statement.

9. Based on the above averments, issues at Exb. 11 were framed on 8-10-08.

10. In the course of evidence, Party I examined himself as witness No. 1 and Shri Narayan Mone as witness No. 2 and closed his case. On the other hand, Party II examined Shri B. S. Sridhara as witness No. 1 and closed the case.

11. The representatives of both the parties filed written submissions as well as advanced oral arguments.

12. I have gone through the records of the case and have duly considered the submissions of both the Learned Representatives.

13. I am reproducing herewith the issues alongwith their findings and reasons thereof.

Sr. No.	Issues	Findings
1.	Whether the Workman/Party I proves that he is a "Workman" as defined u/s 2(s) of the Industrial Disputes Act, 1947?	In the negative.
2.	Whether the Workman/Party I proves that the action of Party II/Employer in terminating his services w.e.f. 22-07-06 is illegal and unjustified?	In the negative.
3.	Whether the Employer/Party II proves that the present order of reference is bad in law as stated in para 2(b) of their written statement?	In the positive
4.	Whether the Party I is entitled to any relief?	In the negative.
7.	What Award?	As per order below.

#### REASONS

14. *Issue Nos. 1 & 2:* Both these issues are answered together for the sake of convenience as they are interconnected.

15. It otherwise cannot be disputed that the burden to prove that she is a 'Workman' within the meaning of Section 2(s) of the Act is on the Party I. In the above context, Learned Advocate for Party II has rightly relied on the judgment in the case of **S. T. Galande v/s P. O. Hind Labour Court, Pune 2008 (1) CLR 656** in which the Hon'ble High Court of Bombay has observed as under:

*".....It is settled principle of law that the onus lies upon the Workman to prove that he satisfies the essential ingredients of being a Workman and therefore, could raise an industrial dispute....."*

16. Lnd. Advocate for Party II has also relied upon the judgment in the case of **H. R. Adyanthaya and others v/s Sandoz (India) Ltd., 1994 II CLR 552** in which the constitutional bench of the Hon'ble Supreme Court has held as under;

*"a person to be a Workman under the said act must be employed to do the work of any category, viz. manual, unskilled, skilled, operational, clerical, supervisory (drawing less than ` 1,600/- p.m.) or technical. It is not enough that he is not covered by either by the four exceptions to the definition."*

17. Thus, from the above settled proposition of law it becomes clear that the person claiming to be a “Workman” must come within the ambit of Section 2(s) of the Act. It is also clear that irrespective of the designation, it is the actual work done by the employee, which is determinative of whether he falls within the scope of the definition of “Workman” under Section 2(s) of the Act and the burden to establish the same lies on the Workman.

18. It may be mentioned here that the outcome of issue No. 2 would depend on the outcome of issue No. 1 and this is because if Party I succeeds in proving issue No. 1 it is only then the decision on issue No. 2 would be material or else Party No. 1 would fail in proving issue No. 2.

19. Party I has in para 3 of his affidavit in evidence specified the duties performed by him which are that he was working on paper conversion plant, operated machines such as paper slitting machines, prepared and submitted production report to Mr. Sanjay Shinde, Asstt. Manager, reported to Superior, Mr. Sanjay Shinde and received instructions from him as regards work to be done etc. and according to him no workers were working under him. He has also stated that the leave was being sanctioned by Mr. Shinde and he would supervise work as well as allot work. In his cross-examination his above statements are denied by Party II. It may be mentioned here that except for making the bare statements on the subject of the duties performed by him, Party I has not produced any documentary or other evidence to substantiate his said stand.

20. There is otherwise no dispute that Party No. 1 was initially appointed as Turner-cum-Fitter w.e.f. 30-11-83 (Exb. W-1) and was then promoted as Jr. Officer (M-A) vide letter dated 28-4-95 at Exb. W-2 w.e.f. 1-4-95. He was then promoted as an Officer (Technical) vide letter dated 12-12-2000 at Exb. W-5 and that he worked as such up to the date of his discharge w.e.f. 22-7-06. It is also not in dispute that at the time of his discharge Party I was drawing the wages of R` 7825/- per month.

21. Be that as it may, the letter of promotion at Exb. W-2 given to Party I by Party II does not speak about the duties allotted to Party I and even Exb. W-5 is silent about it.

22. Learned Representative of Party I, Shri Subhash Naik George has contended that the relevant documentary evidence relating to the duties performed by Party I is in possession

of Party II and therefore it was for Party II to have produced the same. I find no force in the above submission of Learned Representative Shri Subhash Naik George for the reasons that undoubtedly, the burden to prove that he is a Workman is on Party I and that too by adducing positive evidence and in case Party I was not in possession of the required documents towards its proof, it was for him to make application requesting the Court to direct Party II to produce those relevant documents or to notify Party II to produce these documents, which Party I has failed to do. Thus, it is apparent that no attempt has been made by Party I to establish the nature of duties performed by her as a “Workman”, by adducing cogent and convincing evidence. In the above context, I would rely on the judgment in the case of **U.P. State Electricity Board and another v/s Aziz Ahmad 2009 I CLR 690** the Workman in which case had claimed ‘equal pay for equal work’ on the basis of the contention that his post as ‘Boiler overhauling Mechanic’ is equivalent to the post of ‘Boiler mistry’. This contention was accepted by the Tribunal and the Writ Petition filed by the employer was dismissed. However, the Apex Court held that the burden to prove that both the posts are equal was on the Workman. Apex Court observed as under:

*“.... The aforesaid findings are incorrect and cannot be upheld. The burden prove that a particular fact is always on the person who alleges the same. In the present case if was the contention of the respondent-Workman, who claimed that the job requirements, nature and responsibilities of the post of Boiler Mistry/ Fitter are identical and similar with that of the Boiler Overhauling Mechanic. The burden, therefore, was on the Workman to prove and establish the aforesaid facts by leading cogent and reliable evidence. He was required to place documentary evidence in support of the same.”*

23. No doubt, as pointed out by Learned Representative of Party I the promotion letters at Exb. W-2 and Exb. W-5 state that all other terms and conditions of the service of Party I would remain unchanged but to my mind it is essential to go through the evidence on record to find out if in reality the terms of conditions of service of Party I have remained unchanged despite his promotions vide Exb. W-2 and Exb. W-5.

24. Perusal of evidence of Party I and more particularly his cross-examination reveals that the workers of all the units of Party II were the members of Phil Corporation Ltd. Employees Union



(for short the said Union) and that he was a member of the said Union when he was working as Turner-cum-Fitter. He has admitted that from the date of his promotion as Jr. Officer (M-A) he ceased to be a member of the said union. He has further stated that he ceased to be a member of the said Union till the date of discharge of his services. It may be mentioned here that even Shri Narayan Mone has stated in his cross-examination that both he and Party I ceased to be the members of the said Union from the date of their appointment as Jr. Officers.

25. He has stated that Party II has Certified Standing Order applicable to Workman of Party II and till he was working as a Turner-cum-Fitter, he was governed under the said Certified Standing Orders. He has stated that after his promotion as Jr. Officer (M-A) till the date of his discharge, he was not governed by the Certified Standing Orders.

26. He has stated that till he was working as a Turner-cum-Fitter, he was extended the benefits of the settlement signed by the said Union with the management and that upon his promotion as Jr. Officer (M-A) he was not governed by the settlement with the said Union. He was shown a memorandum of settlement dated 30-7-01 signed between the management of Party II and the said Union and he has admitted the same. It is marked as Exb. E-2. He has admitted that till he was working as Turner-cum-Fitter, he was availing the benefits of Exb. E-2 and as an Officer he was not entitled to DA, VDA, Canteen Allowance, Special/Additional Allowance, Accident Leave, Attendance Bonus, Overtime as was paid to the Workmen category. He has admitted that as per Exb. E-2, the Workmen categories were given the scale of pay ranging from 190-2815, 240-1715, 295-3420, 485-3410, 625-3775 and 865-4240 for grades 1 to 6 respectively. He has admitted that the scale of pay given to him on his promotion as Jr. Officer (M-A) and Officer Technical is not from the pay scales given to the Workmen as per settlement at Exb. E-2. He was shown Annexure-1 to Exb. E-2 and with reference to the same, he has stated that the Jr. Officers, Officers and above grades are not figuring in the categories of Workmen, employees mentioned therein. He has stated that he did not send any letter to Party II that he was working as a Workmen and that he should be paid all the benefits which were paid and payable to the categories of Workman with the Party II. He has admitted that after his promotion as Jr. Officer and Officer, he did not write any letter to Party II stating that though he

was promoted as such, he was performing the duties of Workman.

27. Even Shri Narayan Mone has stated that certain allowances which lade applicable to the Workman category of Party II, were not applicable to the officers category and that the memorandum of settlement pertaining to revision of pay scales executed by Party II with the said Union was not applicable to the Jr. Officers/Officers of Party II.

28. It is therefore clear from the above evidence of Party I and Shri Narayan Mone that upon the promotion of Party I as Jr. Officer (M-A) thereafter, he was considered to be in the non-Workman category as otherwise he would have been bound by the settlement at Exb. E-2 and also by the Certified Standing Orders of Party II and would have also been the member of the said Union.

29. Party I was shown the leave cards of the Workmen namely Vishwas Gawas, Sabaji Sawant, Dilip Kharde, Sandesh Morajkar, Shreya Pednekar, Gurudas Kharpalkar who were working in his Section when he was working as an officer with Party II, for the years 2004, 2005 and 2006 and the same are marked as Exb. E-1 colly. Upon being shown these leave cards for particular years mentioned therein, Party I has admitted of having approved the leaves of the aforesaid Workmen by signing on the leave card in the column "Approval Dept. Head". He has however stated that the approval of leave was done by him during his shift and that the other officers had also approved the leave on other occasions in their respective shifts. He has admitted that approval of leave of the concerned Workman by him, was final and that the said workers whose leave he had approved were working under him.

30. To my mind no departmental head would permit a 'Workman' to approve the leave of other workers if the said person does not fall in the category of non-Workman. Even for that matter, there is admission on the part of Party I that the said workers whose leave he had approved, were working under him. As rightly pointed out by Learned Advocate for Party II a leave is sanctioned to an employee only after assessing the exigencies and load of work of an officer who ordinarily supervises the work of the employees asking for leave.

31. Reference deserves to be made in the case of **Karnataka Bank Ltd. v/s Sunita B. Vatsaraj (Smt.) 2007 II CLR 650** in which after considering the various authorities on the issue of Workman and non-Workman the Hon'ble High Court of Bombay



(DB) has held that an employee would be regarded as performing the supervisory duties only if he is required to supervise the work of one or more of the employees working under him; that supervision means direction and control and that the concerned employee must have power to supervise, direct and control the work of any other employee or employees working under him. It is further held that power to sanction leave is of considerable importance in any organization.

32. Even for that matter, I find force in the submissions of Learned Advocate for Party II that if after promotion as Jr. Officer and Officer, Party I was to do the same work that was being done by him when he was in the category of Workman, then there was no reason for Party II to promote Party I and the very fact that Party I was promoted as Jr. Officer and Officer indicates that upon his promotion as such, his work had changed and he was not required to do the work in the Workman category.

33. It is therefore clear from above discussion that the duties performed by Party I after his promotion as Jr. Officer (M-A) Grade and officer were neither manual, unskilled, skilled, technical, operational, clerical but were of supervisory and managerial nature and even for that matter letter dated 14-8-01 (Exb. W-7) produced by Party I on the subject of revision in his scale makes it clear that the said revised scales were for management cadre. Reference is made to the judgment in the case of **A. B. Manore v/s Wandleside National Conductors Ltd., and others 1994 II CLR 793** in which on the basis of evidence on record it is observed that a senior supervisor in Senior Supervisory Management Staff Cadre is not a Workmen.

34. Thus, it is clear that Party I as Jr. Officer (M-A) and officer, was in supervisory management cadre i.e. non-Workmen cadre and was enjoying all the benefits applicable to the management cadre.

35. As regards the contention of Party I, in the claim statement that at the time of termination no one months notice was given to him, it is seen that Party I has produced at Exb. W-10 a copy of letter dated 22-7-06 wherein it is mentioned that a cheque for one month pay in lieu of the notice as per the terms of appointment of Party I, plus ₹ 22,425/- as ex-gratia compensation has been enclosed. Party I has admitted of having received a letter at Exb. W-10 alongwith the cheque of

₹ 22,425/- towards one month pay in lieu of notice and ex-gratia compensation and has further made it clear that he has encashed the said cheque issued by Party II. It is therefore clear that the grievance of Party I about non-giving of one month notice to him, by Party II, does not stand.

36. It may be mentioned here that though it is the contention of Party I that he was not paid retrenchment compensation as provided u/s 25F of the Act, since discussion above reveals that Party I has failed to prove issue No. 1, I find force in the statement made by Shri B. S. Sridhara that it is for this reason, the benefits of Section 25F was not given to him.

37. Thus, from the above discussion it is clear that Party I has failed to prove issue No. 1 and consequently it follows that the action of Party II in terminating the services of Party I w.e.f. 22-7-06 is legal and justified. Hence my findings.

38. Issue No. 3: In para 2(b) of the written statement it is the contention of Party II that the factories at Thivim and Bicholim of Party II are closed from May, 2006 and the factory unit No. 2 at Valpoi has been closed from July, 2006, which closure has been accepted by the Workmen, staff and officers of Party II and as such no relief after the date of closure could be granted. In his rejoinder Party I has denied the above averments made by Party II in para 2(b). Shri B. S. Sridhara has produced at Exb. E-4 and Exb. E-5, notices dated 3-5-06 and 4-5-06 of suspension of operation at Bicholim unit and Thivim unit respectively and at Exb. E-6 and Exb. E-7 he has produced notices both dated 21-4-07 addressed to the Secretary, Dept. of Labour, Government of Goa of closure of Bicholim factory and Thivim factory respectively w.e.f. 23-6-07. Further, he has produced at Exb. E-8 copy of a letter dated 11-7-08 addressed to the Chief Inspector, Factories and Boilers pertaining to the surrender of factory licence of Valpoi unit. The above documents produced by Shri B. S. Sridhara are not denied by Party I. Party I has also not denied the fact of closure of the factory unit No. 2 of the Party II at Valpoi where Party I was working at the time of his termination, in the cross-examination of Shri B. S. Sridhara. It is therefore clear from the above documentary evidence that Party II has succeeded in proving the closure of their factories as stated in para 2(b) of the written statement.

39. It may be mentioned here that provisions of Section 25F and 25G of the Act would come into play only in case of the retrenchment of the Workman and not otherwise. The compensation to be given to the Workman in case of closing down of

undertakings is as per Section 25FFF of the Act. The use of the expression “as it” in Section 25FFF(1) of the Act shows almost conclusively that the meaning of “retrenchment” is restrictive and does not in terms apply to the case of a bonafide closure of business, as the legislature has not sought to place the closure of an undertaking on the same footing as retrenchment under Section 25F of the Act. This being the position of law and having accepted the closure by Party I, the question of compliance of Section 25F and 25G of the Act, by Party I, does not arise. Hence my findings.

40. Issue No. 4: In view of discussion supra, Party I is not entitled to any relief.

41. In the result, I pass the following.

#### ORDER

1. It is hereby held that Shri Santosh K. Kudnekar, Junior Officer could not be construed as “Workman” as defined under clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).
2. It is hereby further held that the action of management of M/s. Phil Corporation Limited, Thivim Industrial Estate, Karaswada, Mapusa, Bardez, Goa, in terminating the services of Shri Santosh K. Kudnekar, with effect from 22-07-2006 is legal and justified.
3. Party I Shri Santosh K. Kudnekar, is therefore not entitled to any relief.
4. No order as to costs.

Inform the Government accordingly.

Sd/-  
(B. K. Thaly),  
Presiding Officer,  
Industrial Tribunal-  
-cum-Labour Court.

#### Notification

No. 28/1/2013-Lab/201

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 09-01-2013 in reference No. IT/118/07 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*D. S. Morajkar*, Under Secretary (Labour).  
Porvorim, 22nd April, 2013.

#### IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA AT PANAJI

(Before Smt. Bimba K. Thaly, Presiding  
Officer)

Ref. No. IT/118/07

Shri Agnelo Victor Ferrao,  
Anna Vaddo, Candolim,  
Bardez, Goa.  
V/s

... Workman/Party I

M/s. Phil Corporation Ltd.,  
Thivim Industrial Estate,  
Karaswada Mapusa, Goa.

... Employer/Party II

Party I/Workman represented by Shri Subhash Naik  
George.

Party II/Employer represented by Adv. Shri P. J.  
Kamat.

#### Award

(Passed on 9th January, 2013)

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (for short ‘the Act’) the Government of Goa by order dated 13-11-07 bearing No. 28/3/2007-LAB/1167, has referred the following dispute for adjudication.

- “(1) Whether, Shri Agnelo Victor Ferrao, Junior Officer Technical, be construed as “Workman” as defined under clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?
- (2) If the answer to the issue No. (1) above is in the affirmative, then, whether the action of the management of M/s. Phil Corporation Ltd., Thivim Industrial Estate, Karaswada Mapusa, Bardez, Goa, in terminating the services of Shri Agnelo Victor Ferrao with effect from 15-03-2006, is legal and justified?
- (3) If the answer to issue No. (2) above is in negative, then, to what relief the Workman is entitled?”

2. Upon receipt of the reference, IT/118/07 was registered. Notices were issued to both the parties under registered A/D post upon which both the parties were served. Party I filed the statement claim at Exb. 12. Party II filed the written statement at Exb. 13. Rejoinder was filed by Party I at Exb. 15.

3. In the statement of claim, it is in short the case of Party I that he was engaged as Junior Officer Technical with Party II. That he was employed since 1-09-1991. That he was promoted as M-A Grade vide letter dated 1-04-1997. At the time of termination, he was working at Thivim factory of Party II. His services were terminated w.e.f. 15-3-2006. That he performed following duties with Party II.

4. He was doing the duties of repairing machines namely injection moulding machines and right from beginning he was doing the same duties. That he worked in moulding section/maintenance department and no one was working under him. That he was reporting to Factory Manager. Mr. Gabriel Mendonca and above him, there were senior officers, namely Mr. Nelson Noronha and Mr. Uday Chari.

5. It is further the case of Party I that on 15-3-1996 he reported for work at 8.00 a.m. but was stopped by the security at the gate and he was told that there were no instructions to allow him to report for work from that day. It is stated that at the time of termination, no one months notice was given to him so also no retrenchment compensation and leave wages were paid to him. It is stated that the management also did not prepare the seniority list and follow the principle of "last come, first go" before terminating his services. It is stated that Party II has violated the mandatory provisions of Section 25F and 25G of the Act.

6. It is further the case of Party I that he then addressed several letters to Party II demanding to set aside the termination and to reinstate him in service with full back wages and continuity in service and also raised an industrial dispute with the Asstt. Labour Commissioner, Mapusa, Goa but as the respondent did not respond positively, there was no settlement and finally the dispute was referred to this Tribunal. According to Party I he is a Workman under the Act. Party I has therefore prayed to hold that his termination is illegal and unjustified and to reinstate him in service with full back wages and continuity of service and also to grant subsistence allowance of 50% wages pending adjudication, by way of interim relief.

7. In the written statement Party II has denied the case set up by Party I and has stated that Party I is not a Workman under the Act and that only after the decision on the issue as to whether he is a Workman or not an industrial dispute could be raised u/s 2A of the Act. It is

also the defence of Party II that the factories at Thivim and Bicholim are closed from May, 2006 and this closure has been accepted by the Workman, staff and officers of Party II and hence no relief could be granted after the date of closure. It is also the case of Party II that around January/February, 2006 Polaroid Company who was placing orders for supply of camaras, stopped issuing orders and as a result Party II lost very good business and as it was making losses it had become sick. It is further stated that at the instance of the Board of Directors, it has been considered as a sick industrial company in terms of Sec. 3(1)(o) of the Sick Industrial Companies (Special Provisions) Act, 1985 (for short SICA). It is stated that when the reference is registered and the Board for Industrial and Financial Reconstruction has declared Party II as a sick industry, the provisions of Sec. 22 of SICA would be attracted.

8. It is also the case of Party II that Party I was initially employed as a Junior Machine Operator on 1-9-91 and was promoted as Junior Officer-Technical (M-A) vide letter dated 1-4-97 and continued as such till the date of his termination on 15-3-06. It is stated that right from time of the promotion of Party I as a Junior Officer Technical, he was not a member of the Union, as he was in supervisory management cadre and being so he was not governed by the certified standing orders of the Party II applicable to the Workman categories. It is stated that since the date of promotion as a Junior Officer Technical (M-A), the duties of Party I were to supervise the work of the Workmen working in the Technical Section and that the conditions of service, emoluments, benefits of the Party I were all together different from the workers categories. It is stated that the work of technical section where Party I was working was to maintain the machines and attend to the repairs of broken down machines including injection moulding machines etc. It is stated that Party I was discharged on 15-3-06 with one months wage in lieu of notice but Party I refused to accept the said letter of discharge and the cheque which was thereafter sent to his last known address by registered A/D post but the same came back to Party II with remarks "refused". It is stated that Party I was reporting administratively to the Manager for sanction of leave etc. but the instructions to the Workmen and subordinate officers were issued by Party I himself. It is stated that since Party I was discharged from services w.e.f. 15-3-06 vide their letter of the said date, the security stopped him at the gate as

he was no longer an employee of Party II. It is stated that since the termination was on account of closure of the unit, provisions of Section 25F and Section 25G do not come into play at all. It is stated that Party I being a non-Workman these provisions also do not apply to his case. Thus amongst above and other grounds, Party II has prayed to reject the reference.

9. In the rejoinder Party I has denied the averments made by Party II in their written statement.

10. Based on the above averments, issues at Exb. 16 were framed on 17-10-08.

11. In the course of evidence, Party I examined himself as witness No. 1 and Shri Atchutanand B. Kalangutkar as witness No. 2 and closed his case. On the other hand, Party II examined Shri B. S. Sridhara as witness No. 1 and closed the case.

12. The representatives of both the parties filed written submissions as well as advanced oral arguments.

13. I have gone through the records of the case and have duly considered the submissions of both the Learned Representatives.

14. I am reproducing herewith the issues alongwith their findings and reasons thereof.

Sr. No.	Issues	Findings
1.	Whether the Workman/Party I proves that he is a "Workman" as defined u/s 2(s) of the Industrial Disputes Act, 1947?	In the negative.
2.	Whether the Workman/Party I proves that the action of Party II/Employer in terminating his services w.e.f. 15-03-06 is illegal and unjustified?	In the negative.
3.	Whether the Employer/Party II proves that the present order of reference is bad in law as stated in para 2(c) of their written statement?	In the positive
4.	Whether the Party I is entitled to any relief?	In the negative.
7.	What Award?	As per order below.

### REASONS

15. *Issue Nos. 1 & 2:* Both these issues are answered together for the sake of convenience as they are interconnected.

16. It otherwise cannot be disputed that the burden to prove that he is a 'Workman' within the meaning of Section 2(s) of the Act is on the Party I. In the above context, Learned Advocate for Party II has rightly relied on the judgment in the case of **S.T. Galande v/s P. O. Ind Labour Court, Pune 2008 (I) CLR 656** in which the Hon'ble High Court of Bombay has observed as under:

*".....It is settled principle of law that the onus lies upon the Workman to prove that he satisfies the essential ingredients of being a Workman and therefore, could raise an industrial dispute....."*

17. Lnd. Advocate for Party II has also relied upon the judgment in the case of **H.R. Adyanthaya and others v/s Sandoz (India) Ltd., 1994 II CLR 552** in which the constitutional bench of the Hon'ble Supreme Court has held as under;

*".....a person to be a Workman under the said act must be employed to do the work of any category, viz. manual, unskilled, skilled, operational, clerical, supervisory (drawing less than ` 1,600/- p.m.) or technical. It is not enough that he is not covered by either by the four exceptions to the definition."*

18. Thus, from the above settled proposition of law it becomes clear that the person claiming to be a "Workman" must come within the ambit of Section 2(s) of the Act. It is also clear that irrespective of the designation, it is the actual work done by the employee which is determinative of whether he falls within the scope of the definition of "Workman" under Section 2(s) of the Act and the burden to establish the same lies on the Workman.

19. It may be mentioned here that the outcome of issue No. 2 would depend on the outcome of issue No. 1 and this is because if Party I succeeds in proving issue No. 1 it is only then the decision on issue No. 2 would be material or else Party No. 1 would fail in proving issue No. 2.

20. Party I has in para 3 of his affidavit in evidence specified the duties performed by him which are of repairing machines, injection moulding machines which he did since beginning; worked in moulding section/maintenance department without anyone working under him and he was reporting to Factory Manager, Mr. Gabriel Mendonca. In his cross-examination his above statements are denied by Party II by suggesting that after promotion Party I was not performing the duties of preparing machines and he was



independently doing the work in Technical section. It may be mentioned here that except for making the bare statements on the subject of the duties performed by him, Party I has not produced any documentary or other evidence to substantiate his said stand.

21. There is otherwise no dispute that Party No. 1 was initially appointed as Jr. Machine Operator on 1-9-91 and then was promoted as Jr. Officer-Technical (M-A) vide letter dated 1-4-97 which Party I has produced at Exb. W-1. It is also not in dispute that at the time of termination of his services w.e.f. 15-3-06 Party I was working at Thivim factory of Party II. Though according to Party I that on 15-3-06 when he reported for work, the security stopped him at the gate and told that he had no instructions to allow Party I to report for work from that day, it is clear from the defence of Party II that Party I was discharged on 15-3-06 with one months wages in lieu of notice and that Party I refused to accept the said letter which was then sent under registered A/D post but was returned back with a remark of postal authority as "refused". In this context, perusal of cross-examination of Party I reveals that he was shown letter dated 27-3-06 produced by him at Exb. W-2 and which letter is addressed by him to Party II stating that terminating of his services w.e.f. 15-3-06 is illegal and unjustified and Party I has admitted that the address mentioned on Exb. W-2 is his full and complete registered address. Party I was also shown an envelope alongwith the registered A/D card addressed to him and he has stated that the address mentioned on the said envelope is his full and complete registered address. This envelope is marked as Exb. E- 7 colly. It is pertinent to note that the address mentioned on Exb. W-2 and on Exb. E-7 colly is the same address. To the suggestion that the envelope at Exb. E-7 colly containing letter sent to Party I under registered A/D post on his registered address returned back with postal endorsement "refused, return to sender", Party I stated that he is not aware. Even to the suggestion that after refusal of the said letter at Exb. E-7 colly, Party II delivered to Party I a copy of the said letter under certificate of posting, Party I has stated that he was not aware. From the above statements brought on record in the cross-examination of Party I, it can be safely concluded that Party I was discharged from the services w.e.f. 15-3-06 and that he had refused to accept the letter alongwith notice wage cheque offered to him. Thus, it is precisely for this reason the security stopped Party I at the gate when he reported for work on 15-3-96.

22. Be that as it may, the letter of promotion at Exb. W-1 does not speak about the duties allotted to Party I by Party II. Learned Representative of Party I, Shri Subhash Naik George has contended that the relevant documentary evidence relating to the duties performed by Party I is in possession of Party II and therefore it was for Party II to have produced the same. I find no force in the above contention of Learned Representative, Shri Subhash Naik George for the reasons that undoubtedly, the burden to prove that he is a Workman is on Party I and that too by adducing positive evidence and in case Party I was not in possession of the required documents towards its proof, it was for him to make application requesting the Court to direct Party II to produce those relevant documents or to notify Party II to produce these documents, which Party I has failed to do. Thus, it is apparent that no attempt has been made by Party I to establish the nature of duties performed by him as a "Workman", by adducing cogent and convincing evidence. In the above context, I would rely on the judgment in the case of **U.P. State Electricity Board and another v/s Aziz Ahmad 2009 1 CLR 690** the Workman in which case had claimed 'equal pay for equal work' on the basis of the contention that his post as 'Boiler overhauling Mechanic' is equivalent to the post of 'Boiler mistry'. This contention was accepted by the Tribunal and even the Writ Petition filed by the employer was dismissed. However, the Apex Court held that the burden to prove that both the posts are equal was on the Workman. Apex Court observed as under:

*".....The aforesaid findings are incorrect and cannot be upheld. The burden prove that a particular fact is always on the person who alleges the same. In the present case it was the contention of the respondent-Workman, who claimed that the job requirements, nature and responsibilities of the post of Boiler Mistry/Fitter are identical and similar with that of the Boiler Overhauling Mechanic. The burden, therefore, was on the Workman to prove and establish the aforesaid facts by leading cogent and reliable evidence. He was required to place documentary evidence in support of the same."*

23. Perusal of evidence of Party I and more particularly his cross-examination reveals that the employees of Party II were having their recognized Union namely Phil Corporation Ltd. Employees Union (for short the said Union) and that till 30-3-97 he was the member of the said Union

i.e. till he was promoted as a Junior Officer. He has stated that after his promotion as Jr. Officer-Technical in M-A grade, he ceased to be member of the said union. He has stated that Party II has its own Certified Standing Orders governing the service conditions of the Workman category and till he was working as Junior Machine Operator, the said Certified Standing Orders of Party II were applicable to him. He has stated that when he was promoted as Junior Officer Technical in M-A grade, he was not governed by the said Certified Standing Orders of Party II which were made applicable to the workman category. He has stated that when he was promoted as Junior Officer-Technical in M-A grade, he was placed in the pay scale of ` 1,500-3375.

24. In the context of above statements brought on record in the cross-examination of Party I, it is relevant to refer to the cross-examination of Shri Achutanand Kalangutkar wherein he has admitted about the existence of the said Union by further stating that after his promotion as Junior Officer he ceased to be a member of the said union. This witness was shown a copy of memorandum of settlement signed by Party II with the said Union on 31-7-01 and the witness has admitted the said fact and accordingly the said memorandum of settlement is taken on record and marked as Exb. E-8. He has admitted that annexure-1 to Exb. E-8 shows the categories of the Workmen/Employees and their corresponding pay scales which were governed by the said settlement. He has stated that the employees designated as Junior Officers and above categories were not included in the memorandum of settlement at Exb. E-8 and that annexure-1 to Exb. E-8 does not show the pay scale of ` 1500-3375 which were given to the Junior officers of Party II. He has admitted that neither he nor any of the officers whose references are pending in this Court and who is represented by him have not made any representation to Party II requesting to extend the benefit of Exb. E-8 to them till date. It may be mentioned here that this witness has stated that he is the office bearer of the Trade Union and that Party I is the member of their Union. In his cross-examination he has admitted that the said Trade Union is the Union of the employees designated as Junior Officers and above category and that the said Trade Union has not been recognized by Party II at any point of time nor it has signed any memorandum of settlement with Party II.

25. It is therefore clear from the nature of above evidence that upon his promotion as Junior Officer Technical in M-A grade, the Party I was not governed by Exb. E-8 which showed the pay scales of categories of Workmen so also he was not governed by certified standing orders which was governing the service conditions of the Workman category and consequently he fell in the category of a non-Workmen.

26. In the cross-examination of Party I he was also shown the leave cards of Mr. Ganesh Gaonkar, Mr. Uday Malvankar, Dinesh Madrekar and Party I has identified his signatures on these leave cards in the column "Approval Dept. Head". These leave cards are marked as Exb. E-1 colly. Likewise he was shown leave application dated 5-5-98 of one Mr. Anant Mandrekar and Party I has admitted that he granted the leave of said Anant Mandrekar by putting the remark "ok" and signed the same. The said leave application is produced on record at Exb. E-2. Party I has however stated that he granted the leave of said Anant Mandrekar at the instructions of Shri Gabriel Mendonca, the Asst. Manager of Party II.

27. Party I was then shown the leave application dated 28-1-2000 of one Shri Prashant Raul, dated 30-5-01 and he has admitted of having sanctioned the urgent PL applied by the said Prashant. The said application is marked as Exb. E-3. Party I has however stated that he has granted the said leave at the instructions of Mr. Gabriel Mendonca.

28. Party I was also shown leave applications dated 30-5-01 and 17-11-02 of one Shri Dinesh Mandrekar and he has admitted of having sanctioned the said leave. These leave applications are produced on record at Exb. E-4 and Exb. E-5 though according to him he granted the said leave at the instructions of Shri Gabriel Mendonca.

29. Party I was then shown report dated 8-6-04, 9-6-04, 11-6-04 and 12-6-04 addressed by him to the Dept. Head Mould Shop, Thivim and he has admitted of having prepared the said reports which are produced at Exb. E-6 colly. He has stated that he had assigned the work to the Workmen stated in the said report.

30. It may be mentioned here that in the cross-examination of Shri B. S. Sridhara Party I has suggested that the leave of all the employees (Workmen as well as officers) were sanctioned by the managers at the relevant time so also that the leave of all the employees (Workmen as well as officers) were sanctioned by the officers

in the absence of Managers and the above suggestions are denied by Shri B. S. Sridhara. In this context a note deserves to be taken that Party I in his cross-examination has never stated that he has sanctioned the leave as mentioned in Exb. E-1 colly, Exb. E-2, Exb. E-3, Exb. E-4 and Exb. E-5 as the manager was absent but according to him the same was sanctioned by him as per the instructions of Asstt. Manager, Gabriel Mendonca. Similar is the case with the reports at Exb. E-6 colly vide which Party I assigned work to the workman and this by itself indicates that the Party I comes under non Workman category.

31. That apart, in my view, no departmental head would permit a 'Workman' to sanction the leave of other workers if the said person does not fall in the category of non-Workman. In this case Party I has otherwise not brought on record any documentary evidence indicating that the Manager was on leave during the period when Party I sanctioned the leave as per Exb. E-1 colly, Exb. E-2 to Exb. E-5. Even for that matter, as rightly submitted by Lnd. Advocate for Party II, leave is sanctioned to an employee only after assessing the exigencies and load of work of an officer who ordinarily supervises the work of the employees asking for leave. Thus, this aspect goes to indicate that the duties performed by Party I were of supervisory nature.

32. Reference deserves to be made in the case of **Karnataka Bank Ltd. v/s Sunita B. Vatsaraj (Smt.) 2007 II CLR 650** in which after considering the various authorities on the issue of Workman and non-Workman the Hon'ble High Court of Bombay (DB) has held that an employee would be regarded as performing the supervisory duties only if he is required to supervise the work of one or more of the employees working under him; that supervision means direction and control and that the concerned employee must have power to supervise, direct and control the work of any other employee or employees working under him. It is further held that power to sanction leave is of considerable importance in any organization.

33. As regards the contention of Party I, in the claim statement that at the time of termination no one months notice was given to him, I have already discussed supra that Party I was offered one months wage in lieu of notice and therefore the above contention of Party I cannot stand.

34. It may be mentioned here that though it is the contention of Party I that he was not paid retrenchment compensation as provided u/s 25F of the Act, since discussion above reveals that Party I has failed to prove issue No. 1, I find force in the statement made by Shri B. S. Sridhara that it is for this reason, the benefit of Section 25F was not given to him.

35. Thus, from the above discussion it is clear that Party I has failed to prove issue No. 1 and consequently it follows that the action of Party II in terminating the services of Party I w.e.f. 15-3-06 is legal and justified. Hence my findings.

36. Issue No. 3: In para 2 (c) of the written statement it is the contention of Party II that the factory at Thivim and Bicholim of Party II are closed from May, 2006 which closure has been accepted by the Workmen, staff and other officer of Party II and as such no relief after the date of closure can be granted. In his rejoinder Party I has denied the above averment made by Party II in para 2(c). Shri B. S. Sridhara has produced at Exb. E-9 and at Exb. E-10 notices dated 3-5-06 and 4-5-06 of suspension of operation at Bicholim unit and Thivim unit respectively and Exb. E-11 and Exb. E-12 notices both dated 21-4-07 addressed to the Secretary, Dept. of Labour, Government of Goa of closure of Bicholim factory and Thivim factory respectively w.e.f. 23-6-07. The above documents produced by Shri B. S. Sridhara are not denied by Party I. Party I has also not denied the fact of closure of the factory unit at Thivim of the Party II where Party I was working at the time of his termination. It is therefore clear from the above documentary evidence that Party II has succeeded in proving the closure of their factories as stated in para 2(c) of the written statement.

37. It may be mentioned here that provisions of Section 25F and 25G of the Act would come into play only in case of the retrenchment of the Workman and not otherwise. The compensation to be given to the Workman in case of closing down of undertakings is as per Section 25FFF of the Act. The use of the expression "as if" in Section 25FFF (1) of the Act shows almost conclusively that the meaning of "retrenchment" is restrictive and does not in terms apply to the case of a bonafide closure of business, as the legislature has not sought to place the closure of an undertaking on the same footing as retrenchment under Section 25F of the Act. This being the position of law and having accepted the closure by Party I, the question of compliance of Section 25F and 25G of the Act, by Party II, does not arise.



38. In his arguments Learned Representative of Party I submitted that the written statement at Exb. 13 is not signed by Party II and that the person who claimed to have authority to sign the said written statement has no such authority and is not authorized to sign the same. Thus, he prayed to reject the written statement. However, Lnd. Advocate for Party II stated that no averment on the above subject matter has been made by Party I in the rejoinder and even no issue on the above subject has been framed by the court and therefore it is not open to Party I to raise such issue at this stage. I find force in the above submissions of Lnd. Advocate for Party II and this is because, in case of such grievance, Party I ought to have amended the claim statement incorporating the said fact, upon which an issue would have been framed on the said subject matter. That apart, in his evidence Shri P. S. Sridhara has produced the copy of general power of attorney given to him by Party II, at Exb. E-15 and clause 2 of the same states that Shri B. S. Sridhara has been given powers to file/verify the written statements alongwith other documents mentioned in Exb. E-15. No doubt, Shri B. S. Sridhara has also produced at Exb. E-17 a copy of resolution taken by the Board of Directors of Party II to appoint a power of attorney in which there is no specific word as "labour Court" however reading of this resolution makes it clear that the same was taken to give powers to institute, commence, prosecute etc. proceedings in any Civil, Criminal and Revenue Court or a Tribunal of original, appellate and revisional jurisdiction and therefore it is clear that Shri B. S. Sridhara has been duly authorized to verify the written statement in this case. Thus, even for this reason, I find no force in the above arguments of Lnd. Representative of Party I on this subject.

39. Issue No. 4: In view of discussions supra, Party I is not entitled to any relief.

40. In the result, I pass the following.

#### ORDER

1. It is hereby held that Shri Agnelo Victor Ferrao, Junior Officer-Technical, could not be construed as "Workman" as defined under clause(s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).
2. It is hereby further held that the action of management of M/s. Phil Corporation Limited, Thivim Industrial Estate, Karaswada, Mapusa, Bardez, Goa, in terminating the services of Shri Agnelo Victor Ferrao, with effect from 15-03-2006 is legal and justified.

3. Party I Shri Agnelo Victor Ferrao is therefore not entitled to any relief.

4. No order as to costs.

Inform the Government accordingly.

Sd/-  
(B. K. Thaly),  
Presiding Officer,  
Industrial Tribunal-  
-cum-Labour Court.

#### Notification

No. 28/1/2013-Lab/199

The following award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 17-12-2012 in reference No. IT/4/99 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

*D. S. Morajkar*, Under Secretary (Labour).

Porvorim, 22nd April, 2013.

IN THE INDUSTRIAL TRIBUNAL AND  
LABOUR COURT  
GOVERNMENT OF GOA AT PANAJI

(Before Smt. Bimba K. Thaly, Presiding  
Officer)

Ref. No. IT/4/99

Workmen rep. by  
The General Secretary,  
Goa Government Employees Association,  
Panaji-Goa. ... Workman/Party I  
V/s

The Chief Engineer,  
Public Works Department,  
Altinho, Panaji, Goa. ... Employer/Party II

Party I/Workman represented by Shri B. Naik.

Party II/Employer represented by Adv Shri K. L. Bhagat.

#### AWARD

(Passed on 17th December, 2012)

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (for



short 'the Act') the Government of Goa by order dated 4-1-1999 bearing No. IRM/CON/(146)/93/78, has referred the following dispute for adjudication.

- “(1) Whether, the demand of the Goa Government Employees Association for seeking status of Pump Operator and the consequent benefits to S/Shri Atmaram Namdeo Parab, Dinesh Pundalik Desai and Rohidas Tukaram More, from their date of appointment i.e. 5-2-1987, is legal and justified?
- (2) Whether, the demand of the Goa Government Employees Association for regulation of the services of S/Shri Atmaram Namdeo Parab, Dinesh Pundalik Desai and Rohidas Tukaram More in the category of Pump Operators in the pay scale of ` 950/- to ` 1,400/- (pre-revised) in accordance with the standing instructions of Government of Goa, is legal and justified?
- (3) If not, what relief the Workmen is entitled?”

2. Upon receipt of the reference, IT/4/99 was registered. Notices were issued to both the parties under registered A/D post upon which the parties were served and Party I filed the statement claim at Exb. 3. Party II filed the written statement at Exb. 5. Party I then filed the rejoinder at Exb. 6.

3. In the claim statement it is in short the case of Party I that all the three Workmen i.e. S/Shri Atmaram Namdeo Parab, Dinesh Pundalik Desai and Rohidas Tukaram More are the Workmen of Opa Water Works, P.W.D., Govt. of Goa, at Opa, Khandepar, Goa. That Party II requisitioned the names of the eligible candidates for the post of pump operators on daily wages vide letter dated 22-9-87, giving the other details such as pay, qualification and age, number of posts etc. and accordingly the Employment Exchange, Panaji sponsored the names of eligible candidates including the aforesaid Workmen for the post of pump operators vide order No. 1558/87 and they were called for interview on 9-11-87 for the post of Pump Operators vide letter dated 20-10-87. That vide letter dated 27-11-87 they were informed of their appointment to the post of Pump Attendant on daily wages and in case they were prepared to accept the said post, to report for duties on 5-12-87 at 8.30 a.m. It is stated that since these Workmen were unemployed and were badly in need of employment for livelihood they decided to join as Pump Attendant but were assigned the duties and work of Pump Operators since 5-12-87. It is stated that these Workmen have been

discharging the duties and the work of “Pump Operator” but on the payment of daily wages admissible to “Pump Attendant” which act according to Party I is an unlawful act indicating attitude of unfair labour practice and depriving them of legitimate benefit of “equal pay for equal work” as envisaged under article 39(d) of the Constitution of India. It is stated that Party II deprived the Workmen of the benefit of regularization admissible in terms of Govt. of India's O.M. No. 49014/18/84-Estt(c) dt. 7-5-85 and O.M. No. 9/1/90-Fin(R&C) dated 29-10-90. The Workmen thus claimed through their Union that they are lawfully entitled for the status and benefit of regularization as Pump Operators by virtue of continuously performing the work and duties of Pump Operators since 5-12-87 and are entitled for higher wages/ /pay scale. Hence the reference.

4. In the written statement Party II has denied the case setup by Party I and has stated that though in the requisition sent to the Employment Exchange, the designation of the post was mentioned as “Pump Operator” instead of ‘Pump Attendant’ due to oversight, the rate of daily wage and the education qualification mentioned in the said requisition are of the post of Pump Attendant and not of Pump Operator. It is stated that the education qualification in the recruitment rules prescribed for the post of Pump Operator is ITI Certificate in trade of diesel/motor vehicle mechanic and since the intention was to fill up the posts of Pump Attendant, the qualification of VIIIth Standard passed prescribed for the post of Pump Attendant has been mentioned in the requisition and accordingly Party I have been appointed as Pump Attendant subject to the condition of their acceptance vide letter dated 27-11-87. It is stated that the post of Pump Operator is group “C” post whereas the post of Pump Attendant is a group “D” post and therefore they are entitled for regularization to group “D” post of Pump Attendant under the provisions of O.M, dated 7-5-85 and 12-6-85 subject to availability of posts. It is stated that pursuant to O.M. dated 29-10-90 Party II regularized the number of employees who were recruited upto the year 1986 and that nearly 400 employees including Party I recruited from the year 1987 onwards could not be regularized on account of non-availability of regular posts and Govt. policy decision. However in terms of Govt. policy to grant temporary status to the NMR/daily wages employees who have completed five years of continuous service, Party I has been extended with said benefits under Govt. Notification dated

14-5-1997 and this scheme has also been accepted by Hon'ble High Court of Bombay vide judgment and order dated 23-7-97. It is therefore the contention of Party II that Party I are holding the posts of Pump Attendant and therefore their claim for the benefits of regularization or granting temporary status in the grade of Pump Operator is not justified and hence to reject the reference.

5. In the rejoinder Party I has denied the case set up by Party II in their written statement.

6. In view of the averments of both the parties issues at Exb. 7 dated 5-7-99 were framed.

7. In the course of evidence Party I examined Workman Shri Atmaram Parab as witness No. 1, Workman Shri Dinesh Dessai as witness No. 2, Shri Dattaram Phate Gaonkar as witness No. 3, Shri Maheshwar Nagesh Naik as witness No. 4 and Shri Joseph D'Souza as witness No. 5. On the other hand Party II examined Shri A. M. Wachasundar as witness No. 1 and closed the case.

8. Heard Shri Babli Naik on behalf of Party I and Adv. Shri K. L. Bhagat on behalf of Party II. Both the parties have also filed written submissions at Exb. 36 and Exb. 37 respectively.

9. I have gone through the records of the case and have duly considered the submissions made on behalf of both the parties. I am reproducing herewith the issues alongwith their findings and reasons thereof.

Sr. No.	Issues	Findings
1	2	3
1.	Whether the Party I/Union proves that its demand for seeking status of pump operator and the consequent benefits to the Workmen Shri Atmaram Parab, Dinesh Desai and Rohidas More is legal and justified?	In the negative.
2.	Whether the Party I/Union proves that its demand for regularization of the services of the Workmen Shri Atmaram Parab, Dinesh Dessai and Rohidas More in the category of pump operator in the pay-scales of ` 950/- to ` 1400/- (Pre-revised) in accordance with the standing instructions of Government of Goa is legal and justified?	In the negative.

1	2	3
3.	Whether the Party I/Union is entitled to any relief?	In the negative
4.	What Award?	As per order below.

### REASONS

10. *Issue Nos. 1 & 2:* Both these issues are answered together for the sake of convenience to avoid repetition of facts and this is because the Workman would be regularized in the category of pump operator only if they succeed in seeking the status of the pump operators.

11. Witness No. 1 i.e. Workman Shri Atmaram Parab has produced on record the call letter, which he received from the Asstt. Engineer, Opa Water Works dated 30-10-87 in which it is stated that his name was recommended for the post of pump operator on daily wages by the Employment Exchange, Panaji, at Exb. W-1. He has stated that on 9-11-87 he and other candidates appeared before the selection committee and by letter dated 27-11-87 (Exb. W-2) he was informed of his appointment for the post of Pump Attendant on daily wages and was told to report for duties on 5-12-87 at 8.30 a.m. He has stated that accordingly he met the concerned person and asked him as to why he was appointed as pump attendant when he was called for interview for the post of pump operator upon which he was told that the post of pump operator was yet to be created and until then he will have to work as pump attendant for about three months and thereafter he would be designated as pump operator and thus he joined the services on 5-12-87. He has stated that after about five to six months he asked the Asstt. Engineer regarding his appointment to the post of pump operator but he was told that said post was still not created and if he wanted, he could continue to work as pump attendant or else he could leave the services. He has stated that nothing was taken in writing from him stating that he was ready and willing to work as pump attendant. He has stated that he contacted the office of the Employment Exchange where he was told that PWD had informed them by a letter that he and the other two Workmen were selected and appointed as pump operators and therefore their names should be canceled from the register of Employment Exchange. He has stated that thereafter he approached Goa Govt. Employees Association on behalf of himself and other two Workmen upon which the dispute was raised and it ended in failure.

12. In his cross-examination, he has denied the suggestion that the recommendation for the post of pump operator was made by mistake through Employment Exchange when in fact the said recommendation was for the post of Pump Attendant. He has also denied the suggestion that the qualification required for the purpose of appointment as daily wages, which were fixed, were for the post of Pump Attendant and not Pump Operator. He has stated that he was not possessing ITI Certificate in the Trade of Motor/Diesel Vehicle Mechanic. According to him, Party II had called the candidates passing standard VIII to the post of Pump Operator.

13. Workman Shri Dinesh Pundalik Dessai, the witness No. 2 has produced the call letter dated 30-10-87 received from the Asstt. Engineer, Opa Water Works, for interview at Exb. W-8 and has stated that he had produced the relevant certificates at the time of interview and he has also produced the same before the Court at Exb. W-9 colly. He has stated that he was told by the selection committee that the interview was for the post of pump operator. He has stated that by letter dated 27-11-87 (Exb. W-10) he was appointed on daily wages for the temporary post of Pump Attendant at Opa Water Works and accordingly he met the Jr. Engineer and asked about his designation who told him that the post of Pump Operator has not still been created and since the persons were required to operate the pump, he was appointed as Pump Attendant and he was further told that he was appointed as such for three months and in the meantime the post of pump operator would be created and he would be appointed to that post. He has stated that no acceptance was taken from him in writing to the effect that he was willing to accept the post of Pump Attendant for a period of three months. He has stated that even after completing three months he continued to work as Pump Attendant and upon asking the Jr. Engineer about it he was told that the post was not created and if he wanted he could leave the services. He has stated that on enquiry with the office of Employment Exchange he was told that the recommendations were for the post of Pump Operator. Thus, accordingly he raised the dispute through their association, which ended in failure. He has stated that by order dated 7-7-2000 (Exb. W-19 colly) Party II regularized their services as Pump Attendant and in the said order his name appears at Sr. No. 228 whereas the name of Shri Rohidas More and Shri Atmaram Parab figures at Sr. No. 227 and 229 respectively. He has stated that they did not accept the said order.

14. In his cross-examination he has stated that he had studied upto VIIIth standard in ITI Institute at Pharmagudi that the qualification required for the post of Pump Attendant is VIIIth standard passed; that the Employment Exchange invited applications for the post of Pump Operator with qualification as VIIIth standard passed and has denied the suggestion that the applications were invited for the post of Pump Attendant. He has denied the suggestion that he accepted the appointment letter issued by appointing him as Pump Attendant, without any protest or objection but has admitted that he did not file any written objection to the said appointment letter. Upon being shown order dated 7-7-2000 (Exb. E-1) he has admitted that in this order his services as Pump Attendant were regularized and his name figures at Sr. No. 228. He has stated that he did not challenge the above order but has denied the suggestion that his regularization as Pump Attendant was proper and therefore he did not challenge the order at Exb. E-1. He has denied the suggestion that it was wrongly mentioned in the advertisement that the applications are invited for filling the posts of pump operators, instead of pump attendants. He has denied the suggestion that the qualification and the terms of appointment mentioned in the advertisement, applied to pump attendant and not pump operator. He has stated that he did not make any complaint or representation against the appointment letter, issued appointing him as pump attendant and not pump operator. He has stated that he was not given anything in writing by the Employment Exchange stating that the recommendations were called for the post of the pump operator.

15. Shri Dattaram Phate Gaonkar has been examined only to bring on record the fact that the all the above referred three Workmen were working at opa Water Works since the year 1987, as pump operators at the time where he was working there as mechanic. He has stated that prior to them one Shri Gopal Parkar who did not posses ITI qualification was working there on daily wages and his services were regularized in the year 2000.

16. In his cross-examination he has stated that he has no documentary evidence to say that all the above three Workmen i.e. Shri Atmaram Parab, Dinesh Dessai and Shri Rohidas More were employed by Govt. of Goa as pump operators.

17. Shri Maheshwar N. Naik who was working as pump operator at Opa since 1975 and thereafter appointed as chlorinator operator, has stated



that all the three Workmen in this reference joined as pump operators at Opa in the year 1987; that they were not issued appointment orders whereby they were engaged as pump operators on daily wages for three months and that they continued to work as such till date.

18. In his cross-examination, he has stated that a person who has passed VIIIth standard is eligible to be a pump attendant.

19. Shri Joseph D'Souza has stated that he was appointed as Jr. Engineer at PWD and that he and the Asstt. Engineer were the members of the selection committee. He has stated that three persons i.e. the Workmen in this reference were selected for the posts of pump operators. He has stated that he worked at Opa Water Works from 1987 to 1990 and during this time he did not receive any complaints regarding the work carried out by these Workmen.

20. In his cross-examination, he has denied the suggestion that the interview was held for the post of pump attendant and not pump operator. He has stated that he is not aware as to whether a person is required to hold ITI certificate in the trade of diesel/motor mechanic for the post of pump operator and is required to pass VIIIth standard for the post of pump attendant.

21. The witness examined by Party II i.e. The Chief Engineer, PWD, Shri A. M. Wachasundar has stated that though in the requisition sent to the Employment Exchange, the designation of the post was mentioned as "pump operator" instead of pump attendant, it was due to oversight. He has stated that the rate of daily wage and the educational qualification mentioned in the said requisition were of the post of pump attendant and not of the pump operator. He has stated that the educational qualifications prescribed in the recruitment rules for the post of pump operator is ITI certificate in the trade of diesel/motor vehicle mechanic. He has stated that the intention was to fill up the posts of pump attendant, the qualification of VIIIth standard passed prescribed for the post of pump attendant has been mentioned in the requisition and accordingly the Party I have been appointed as pump attendant, subject to the condition of their acceptance vide letter dated 27-11-87. He has stated that the post of pump operator is a group "C" post whereas the post of pump attendant is a group "D" post and therefore they are entitled for their regularization to group "D" post of pump attendant under the provisions of O.M. dated 7-5-85 and 12-6-85 subject to availability of posts. He has stated that in terms of

O.M. No. 9/1/90-Fin(R&C) dated 29-10-90, the Public Works Department has regularized the number of employees on NMR/daily wages who were recruited upto the year 1986 and nearly more than 400 employees including Party I recruited from the year 1987 onwards could not be regularized on account of non-availability of regular posts and Government policy decision. It is stated that the Govt. has introduced the scheme of granting status to all the NMR/daily wages employees completing more than five years continuous service and Party I had been extended the benefits of the said scheme which has also been accepted by the Hon'ble High Court vide judgment and order dated 23-7-97. It is stated that Party I are holding the posts of pump attendant and therefore their claim for the benefits of regularization or granting temporary status in the grade of pump operators is not justified. This witness has produced the requisition letter dated 22-9-87 sent to the Employment Exchange at Exb. 30, acceptance letter dated 27-11-87 vide which the Workmen to this reference have accepted the post of pump attendant and accordingly reported for duties on 5-12-87 at Exb. 31, group "C" and group "D" Work Charged Establishment Posts Recruitment Rules, 1987 at Exb. 32, copy of notification dated 14-5-97 issued by Government framing a scheme to regulate the grant of temporary status to daily wage workers at Exb. 33 and the oral judgment dated 23-7-97 of Hon'ble High Court of Judicature at Bombay at Exb. 34.

22. Perusal of cross-examination of this witness reveals that the above documentary evidence produced by him is not disputed by Party I and therefore it follows from this that there is no quarrel on the part of Party I, as regards the above documentary evidence. No doubt, this witness is cross-examined at length by Shri B. B. Naik but perusal of said cross-examination reveals that same is unconnected with the issue in dispute and thus I am declined to refer to the said cross-examination while dealing with the issues in this reference.

23. No doubt, vide Exb. W-1 and Exb. W-8 Shri Atmaram Parab and Shri Dinesh Dessai respectively were called for interview for the post of "Pump Operator" but it is further clear from the appointment letter at Exb. W-2 dated 27-11-87 that Shri Atmaram Parab was appointed on daily wages for the post of Pump Attendant. Exb. 31 produced by Shri Wachasundar is the copy of the acceptance letter and perusal of the



same makes it clear that Shri Rohidas More, Shri Atmaram Parab and Shri Dinesh Dessai were told to report for duties on 5-12-87 at 8.30 a.m. in case they were prepared to accept the temporary post of Pump Attendant. Undoubtedly, all the above three persons reported for duties on 5-12-87 and therefore it is clear that they accepted the temporary post of Pump Attendant. It may be mentioned here that in the claim statement the Workmen have stated that since they were unemployed and were badly in need of employment for livelihood, they decided to join as Pump Attendant. It is worthwhile noting that in their examination in chief Shri Atmaram Parab and Shri Dinesh Dessai have deviated from their above stand by stating that on receipt of letter dated 27-11-87 (Exb. 31) they met the concerned persons and asked as to why they were appointed as pump attendant when they were called for the interview for the post of pump operator and they were told that the post of pump operator was yet to be created and until then they would have to work as pump attendant for about three months and thereafter they will be designated as pump operators. It is therefore clear that the statement made by Shri Atmaram Parab and Shri Dinesh Dessai explaining the reason as to what made them to join as pump attendant, cannot at all be accepted. Even for that matter perusal of said letter dated 27-11-87 (Exb. 31) also goes to indicate that the aforesaid persons alongwith Shri Rohidas More were told to report for duties on 5-12-87 at 8.30 a.m. for the post of pump attendant on daily wages at Opa Water Works only in case they were prepared to accept the said temporary posts. Thus, it follows that all these Workmen reported for duties on 5-12-87 only because they were prepared to accept the temporary post of the pump attendant, on daily wages, at Opa Water Works. It also follows from above that the statement made by Shri Atmaram Parab that nothing was taken in writing from him stating that he was ready and willing to work as pump attendant therefore loses its significance.

24. Be that as it may, Shri Atmaram Parab has produced at Exb. W-3 a letter claiming to be the requisition letter received by the Employment Exchange from PWD to indicate that by this letter PWD had informed the Employment Exchange that he, Dinesh Dessai and Rohidas More were selected and appointed as pump operators and therefore their names should be cancelled and accordingly same were cancelled from the registers of Employment Exchange. Perusal of Exb. W-3 indicates that it is not the said letter to

which reference is made by Shri Atmaram Parab but it is the requisition sent by the PWD to the Employment Exchange for the posts of "pump operator" and this is the same letter, which is produced by Shri A. M. Wachasunder at Exb. 30. That apart, there is also no dispute that pump operators fall in category "C" and pump attendants fall in category "D". Thus the statement made by Shri Atmaram Parab and also by Shri Dinesh Dessai that Party II had informed the Employment Exchange that they were appointed to the post of pump operator and hence their names be deleted from the records of Employment Exchange cannot be accepted. Consequently, it follows that the defence taken by Party II while cross-examining the aforesaid witnesses that their names were not deleted by the Employment Exchange after they were appointed as pump attendant appears to be reasonable.

25. Be that as it may, the said requisition letter i.e. Exb. W-3 and Exb. 30 make it clear that the education qualification mentioned in it is VIIIth standard to SSC and it is made clear by Shri Maheshwar Naik as well as Shri Dinesh Dessai that a person who has passed VIIIth standard is eligible to be a pump attendant. Even for that matter the statement made by Shri Wachasunder that the rate of daily wage and the educational qualification mentioned in Exb. 30 were of the post of pump attendant and not of the pump operator is not denied in his cross-examination. It therefore can be safely concluded that the intention of Party II was to fill up the posts of pump attendants and therefore the qualification of VIIIth standard passed was mentioned in the requisition.

26. It may be mentioned here that Shri Wachasunder has made it clear that the educational qualifications prescribed in the recruitment rules for the post of pump operator is ITI certificate in the trade of diesel/motor vehicle mechanic and it is clear from the evidence of Shri Atmaram Parab that he was not possessing the above certificates. Though Shri Dinesh Dessai has produced at Exb. W-9 colly National Trade Certificate from ITI for having passed the prescribed trade test in the trade of mechanic diesel, as pointed out by me above having accepted the post of pump attendant vide Exb. 31 in terms of the requisition at Exb. 30 and further having not protested towards the letter appointing him as the pump attendant, it is not open to Shri Dinesh Dessai to contend otherwise.

27. Lnd. Advocate for Party II has in the above context rightly relied on the judgment in the case of **Secretary, State of Karnataka and Ors. v/s Umadevi and ors. 2006 STPL (LE) 36604 SC** in which the Apex Court has observed that unless the recruitment itself is made regularly and in terms of constitutional scheme, the employee is not entitled to be absorbed in regular service or made permanent. Since in the instant case the initial appointment of aforesaid Workmen was on the post of pump attendant, they cannot be regularized or made permanent as pump operators.

28. There is otherwise no dispute that by order dated 7-7-2000 at Exb. W-19 colly, Party II regularized the services of all these three Workmen as pump attendants. It is also not in dispute that the name of Shri Rohidas More figures at Sr. No. 227, of Shri Dinesh Dessai figures at Sr. No. 228 and of Shri Atmaram Parab figures at Sr. No. 229. Undoubtedly, Shri Dinesh Dessai and Shri Atmaram Parab did not accept this order but the same was accepted by Shri Rohidas More. It is pertinent to note that the statement made by Shri Wachasunder that in terms of O.M. No. 9/1/90-Fin(R&C) dated 29-10-90 (Exb. W-4 colly), PWD regularized the number of employees on NMR/daily wages who were recruited upto the year 1986 and that merely more than 400 employees including Party I recruited from the year 1987 onwards could not be regularized on account of non-availability of regular posts and Government policy decision is not specifically denied by Party I. Further the statement made by Shri Wachasunder that the Government has introduced the scheme of granting the temporary status to all the NMR/daily wages employees who have completed more than five years continuous service and accordingly Party I has been extended with the said benefits under the Government Notification No.18/23/93-Per dated 14-5-97 (Exb. 33) and that the Hon'ble High Court accepting this scheme in W. P. Nos. 300/89, 77/96 and 237/96 vide judgment and order dated 23-7-97(Exb. 34) is also not denied in his cross-examination.

29. Thus, it is clear from above that Party I are holding the posts of pump attendant falling in category 'D' and therefore their claim for the benefits of regularization or granting temporary status in the grade of pump operator falling in category 'C' cannot be accepted. Hence my findings.

30. *Issue No. 3:* In view of above discussion it is clear that Party I/Union is not entitled to any relief. Hence the following.

## ORDER

1. It is hereby held that the demand of the Goa Government Employees Association for seeking status of pump Operator and the consequent benefits to S/Shri Atmaram Namdeo Parab, Dinesh Pundalik Desai and Rohidas Tukaram More, from their date of appointment i.e. 5-12-1987, is illegal and unjustified.
2. It is hereby further held that the demand of the Goa Government Employees Association for regularization of the services of S/Shri Atmaram Namdeo Parab, Dinesh Pundalik Desai and Rohidas Tukaram More in the category of Pump Operators in the pay scale of ` 950/- to ` 1,400/- (pre-revised) in accordance with the standing instructions of Government of Goa, is illegal and unjustified.
3. The Workmen S/Shri Atmaram Namdeo Parab, Dinesh Pundalik Desai and Rohidas Tukaram More are therefore not entitled to any relief.
4. No order as to costs.

Inform the Government accordingly.

Sd/-  
(B. K. Thaly),  
Presiding Officer,  
Industrial Tribunal-  
-cum-Labour Court.

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Department of Law and Judiciary

Law (Establishment) Division

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Order

File No. LS/1077/93/Part-II

Government of Goa is pleased to engage the services of Shri Vivek Tankha, Sr. Advocate, Shri Rishabh Sancheti, Advocate and Shri Rahul Kaushik, Advocate-on-Record to defend the case arising out of Petition for Special Leave to Appeal (Civil) Nos. 16451-16452 of 2013 with prayer for interim relief filed by Union of India & Ors. v/s Manohar Parrikar & Ors. before the Supreme Court of Indian to defend the interest of Secretary to the Governor of Goa, Joint Secretary to the Governor (Respondent Nos. 3 & 4) and also Respondent No. 2 i.e. Goa State Information Commissioner in SLP (C) No. 16451 of 2013.

In addition to above, the Government has also agreed to engage the services of the said advocates to defend the interest of State Chief Information Commissioner, State of Goa through its Chief Secretary (Respondent Nos. 5 & 6) and Special Secretary to Governor (Respondent No. 8) in SLP (C) No. 16452 of 2013 as a special case.

By order and in the name of the Governor of Goa.

*Vasanti H. Parvatkar*, Under Secretary (Estt).  
Porvorim, 11th June, 2013.

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### Department of Personnel

#### Order

File No. 13/11/2013-PER

Ex-post facto sanction of the Government of Goa is hereby accorded to grant extension in service to Smt. Shashibala Srivastava, Assistant Officer of Resident Commissioner, Government of Goa, New Delhi beyond the date of her superannuation for a period of six months with effect from 01-05-2013 to 31-10-2013.

The extension is subject to termination without assigning any reasons at any time during the period of extension.

By order and in the name of the Governor of Goa.

*Siddhi Halarnakar*, Under Secretary (Personnel-II).  
Porvorim, 7th June, 2013.

#### Order

File No. 6/9/97-PER(Vol.I)

Shri Narayan Sawant, Director of Panchayats shall function as Director of Municipal Administration with immediate effect, in addition to his own duties and until further orders for the specific purpose of hearing and disposing cases wherein the present Director, Shri Elvis P. Gomes has to recuse himself of natural justice.

Shri Elvis P. Gomes, Director of Municipal Administration shall assign such cases to Shri Narayan Sawant.

By order and in the name of the Governor of Goa.

*Umeshchandra L. Joshi*, Under Secretary (Personnel-I).

Porvorim, 5th June, 2013.

#### Memorandum

No. 22/3/2010-PER

Read: Circular No. 22/3/2010-PER dated 05-07-2011.

The tentative seniority list of Junior Administrative Grade of Goa Police Service was circulated and objections if any were invited vide this Department Circular of even number dated 05-07-2011.

All five Officers conveyed their no objection for finalization of seniority vide their letter dated 18-07-2011, 15-07-2011, 19-07-2011 and 25-07-2011.

After going through their no objection received in this regard, the final seniority list of Junior Administrative Grade of Goa Police Service is hereby determined as follows:

Sr. No.	Name of the Officer	Date of regular appointment	Date of birth	Remarks
1	2	3	4	5
1.	Shri A. V. Deshpande	21-03-2011	31-07-1968.	
2.	Shri A. K. Gawas	21-03-2011	19-09-1961.	
3.	Shri Bosco B. F. George	21-03-2011	30-01-1963.	
4.	Shri S. M. Prabhudessai	21-03-2011	22-06-1970.	
5.	Shri V. U. Borkar	21-03-2011	18-12-1967	

By order and in the name of the Governor of Goa.

*N. P. Singnapurker*, Under Secretary (Personnel-II).  
Porvorim, 9th August, 2011.

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### Department of Public Health

#### Order

No. 46/1/2006-I/PHD (PF)

The following Medical Officers under Directorate of Health Services are transferred and posted at the places indicated against their names:

Sr. No.	Name of the Doctor	Present place of posting	Transferred and posted at
1	2	3	4
1.	Dr. Gayatri Kulkarni	Hospicio Hospital, Margao	T. B. Hospital, Margao.

1	2	3	4
2.	Dr. Mangui-rish Audi	T. B. Hospital, Margao	Primary Health Centre, Curtorim.
3.	Dr. Tejan Lotlikar	Primary Health Centre, Curtorim	Hospicio Hospital, Margao.

By order and in the name of the Governor of Goa.

*D. G. Sardesai*, Additional Secretary (Health).  
Porvorim, 10th June, 2013.

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### Department of Public Works

Office of the Principal Chief Engineer

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#### Order

No. 34/3/2013/PCE-PWD-ADM(II)/25

Read: Order No. 34/3/2013/PCE-PWD-ADM(II)/23 dated 06-06-2013.

Government is pleased to order the postings of the below mentioned Superintending Engineer/ /Superintending Surveyor of Works/Superintending Engineer (Mon. & Eva.) (Civil) in Public Works Department who were promoted on ad hoc basis and awaiting postings vide order referred to above, in the places shown against their names in column No. (3) below:

Sr. No.	Name of the Officer	Place of posting on promotion
1	2	3
1.	Shri A. S. Panchamukhi	As Superintending Engineer, Monitoring & Evaluation Unit, PWD, Altinho, Panaji.
2.	Shri R. R. Galagali	As Chief General Manager on deputation to Sewerage & Infrastructural Development Corporation Goa Ltd. (SIDCGL), Panaji.
3.	Shri G. M. Naik Parrikar	As Superintending Engineer, JICA Project, Altinho, Panaji on deputation.
4.	Shri Vijaykumar P. Verenkar	As Superintending Engineer, Circle Office IX (NH), Altinho, Panaji in the existing vacancy, thereby relieving Shri U. P. Parsekar, CE(NHRB) of addl. charge.

1	2	3
5.	Shri P. B. Sheldarkar	As Superintending Engineer, Circle Office IV (Roads), Margao, vice Shri Prabhakar Gupta, SE transferred.
6.	Shri Umesh B. Kulkarni	As Superintending Engineer, Circle Office III (Roads), Altinho, Panaji in the existing vacancy, thereby relieving Shri U. P. Parsekar, CE(NHRB) of addl. charge.

The above Officers shall draw their pay and allowances as Superintending Engineers/ /Superintending Surveyor of Works/Superintending Engineer (Mon. & Eva.) (Civil) from the date of their joining in the new place of postings.

The deputation of the officers at Sr. Nos. (2) & (3) above, shall be governed by the terms & conditions of the Government O.M. No. 13/4/74-PER dated 12-2-1999 which is amended from time to time of the Department of Personnel, Secretariat, Panaji.

The officer at Sr. No. (6) above, shall draw his pay and allowances against the vacant post of Superintending Engineer, Circle Office VII (M/E), PWD, Altinho, Panaji, until further orders.

Consequently, Shri K. V. Sree Krishnan, presently on deputation as Senior Technical Examiner, Directorate of Vigilance stands discontinued in drawing pay and allowances against the vacant post of Superintending Engineer (Mon & Eva.), PWD, Altinho, Panaji, with immediate effect.

Further, Government is pleased to order the transfer of the following Superintending Engineers/ /Superintending Surveyor of Works/Superintending Engineer (Mon & Eva.) (Civil) of this Department and post them at the places shown against their names in column No. 4 below, with immediate effect in public interest:

Sr. No.	Name & designation	Present place of posting	Place of posting on transfer
1	2	3	4
1.	Shri Prabhakar Gupta	Superintending Engineer, Circle Office IV (Roads), Margao	As Superintending Surveyor of Works, Altinho, Panaji vice Shri S. R. Paranjape, SSW transferred.



1	2	3	4
2. Shri S. R. Paranjape	Superintending Surveyor of Works Altinho, Panaji	As Superintending Engineer, Circle Office V (PHE), Altinho, Panaji, thereby relieving Shri K.R. Shrikant, CE-II of addl. charge. He shall also hold the additional charge of the post of Superintending Engineer, Circle Office VI (PHE), Altinho, Panaji in addition to his own duties.	

Shri P. A. N. Gurav, Superintending Engineer, Circle Office II, Altinho, Panaji shall hold the additional charge of the post of Superintending Engineer, Circle Office VII (M/E), Altinho, Panaji in addition to their own duties, until further orders.

By order and in the name of the Governor of Goa.

*J. J. S. Rego*, Principal Chief Engineer & ex officio Addl. Secretary (PWD).

Panaji, 10th June, 2013.

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Department of Revenue

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Order

No. 23/13/2012-RD

Whereas, the Government of Goa, vide Notification No. 23/13/2012-RD dated 13-08-2012, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the “said Act”), and published in the Official Gazette, Series II No. 22 dated 30-08-2012, notified that the land specified in the Schedule thereof (hereinafter referred to as the “said land”) is likely to be needed for public purpose viz. Land Acquisition for improvement & B/T of left out of road in length of 1.65 km. in VP Guirdolim under Cuncolim Constituency. (hereinafter referred to as the “said public purpose”);

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/13/2012-RD dated 04-03-2013, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 50 dated 14-03-2013,

declared that the said land is required for the said public purpose.

Now therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Anju S. Kerkar*, Under Secretary (Revenue-II).

Porvorim, 10th June, 2013.

Order

No. 22/18/2009-RD

Whereas, the Government of Goa, vide Notification No. 22/18/2009-RD dated 09-11-2009, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the “said Act”), and published in the Official Gazette, Series II No. 34 dated 19-11-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the “said land”) is likely to be needed for public purpose viz. Land Acquisition for erection of 9 Pole Structure for taking 33/11KV line from Ponda S/S to new Shiroda S/S (hereinafter referred to as the “said public purpose”);

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 22/18/2009-RD dated 11-02-2011, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 47 dated 17-02-2011, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Ashutosh Apte*, Under Secretary (Revenue-I).

Porvorim, 04th September, 2012.

**Order**

No. 23/10/2011-RD

Whereas, the Government of Goa, vide Notification No. 23/10/2011-RD dated 26-04-2001, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the “said Act”), and published in the Official Gazette, Series II No. 5 dated 05-05-2011, notified that the land specified in the Schedule thereof (hereinafter referred to as the “said land”) is likely to be needed for public purpose viz. Land Acquisition for widening of the road at Handen Batora at Village Curtorim of Salcete Taluka (hereinafter referred to as the “said public purpose”);

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/10/2011-RD dated 21-08-2012, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 5 dated 05-05-2012, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Anju S. Kerkar*, Under Secretary (Revenue-II).

Porvorim, 30th November, 2012.

**Order**

No. 23/30/2010-RD

Whereas, the Government of Goa, vide Notification No. 23/30/2010-RD dated 29-03-2011, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the “said Act”), and published in the Official Gazette, Series II No. 1 dated 07-04-2011, notified that the land specified in the Schedule thereof (hereinafter referred to as the “said land”) is likely to be needed for public purpose viz. Land Acquisition for construction of road work from Matvem to Ghane in V. P. Cola

under Canacona Constituency (hereinafter referred to as the “said public purpose”);

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/30/2010-RD dated 08-06-2012, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 11 dated 14-06-2012, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Anju S. Kerkar*, Under Secretary (Revenue-II).

Porvorim, 16th January, 2013.

**Order**

No. 23/6/2011-RD

Whereas, the Government of Goa, vide Notification No. 23/6/2011-RD dated 08-04-2011, issued under sub-section (1) of Section 4 of of Section 17 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the “said Act”), and published in the Official Gazette, Series II No. 2 dated 15-04-2011, notified that the land specified in the Schedule thereof (hereinafter referred to as the “said land”) is likely to be needed for public purpose viz. Land Acquisition for 33/11 KV Mapusa sub-station in Survey No. 145/1 under the jurisdiction of Village Panchayat Assagao (hereinafter referred to as the “said public purpose”);

And whereas, the Government of Goa considered the report made by the Collector under sub-section (1) of Section 17 of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/6/2011-RD dated 09-05-2012, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 7 dated 17-05-2012, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Anju S. Kerkar*, Under Secretary (Revenue-II).

Porvorim, 11th June, 2013.

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**Order**

No. 22/5/2011-RD

Whereas, the Government of Goa, vide Notification No. 22/5/2011-RD dated 16-08-2011, issued under sub-section (1) of Section 4 and sub-section (4) of Section 17 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 21 dated 25-08-2011, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for Rural Garbage Disposal Scheme in property bearing Survey No. 130/1 (Part) of Loliem-Polem Village in Canacona Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (1) of Section 17 of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 22/5/2011-RD dated 16-07-2012, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 17 dated 26-07-2012, declared that the said land is required for the said public purpose and whereas 5-A report does not apply this case.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

*Ashutosh Apte*, Under Secretary (Revenue-I).

Porvorim, 12th June, 2013.

**Order**

No. 26/3/2012-RD

The Government of Goa is pleased to promote Shri Rajesh R. Pai Kuchelkar, Supervisor in the Directorate of Settlement and Land Records, Panaji, as Inspector of Survey & Land Records (Group 'B' Gazetted) on ad hoc basis in the pay scale of ` 9,300-34,800 plus ` 4,200/- Grade Pay and post him in the Office of Inspector of Surveys & Land Records, City Survey, Panaji, with immediate effect as no joining time will be permissible to the above incumbent.

2. The above appointment shall be for a period of one year or till Shri Rajesh R. Pai Kuchelkar is regularized in the GPSC or superannuates, whichever is earlier.

3. The above ad hoc appointment will not bestow the promoted officer any claim for regular appointment and the service rendered on ad hoc basis will not count for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

By order and in the name of the Governor of Goa.

*Anju S. Kerkar*, Under Secretary (Revenue-I)/Link.

Porvorim, 24th December, 2012.

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**Order**

No. 26-2-98-RD(PF)

- Read: 1) Order No. 26/2/98-RD(Part File) dated 04-05-2010.  
 2) Order No. 26/2/98-RD(Part) dated 07-06-2011.  
 3) Order No. 26/2/98-RD(Part) dated 13-12-2011.  
 4) Addendum No. 26/2/98-RD(PF) dated 23-04-2012.  
 5) Order No. 26/2/98-RD(PF) dated 28-06-2012.

The Government of Goa is pleased to extend the ad hoc appointment of Smt. Maya Kedar Amonkar to the post of Assistant Survey & Settlement Officer and Smt. Suchitra B. Shanke alias Anisha A. Matondkar to the post of Inspector of Survey & Land Records (Group 'B' Gazetted) in the pay scale of ` 9,300-34,800 plus Grade Pay of ` 4,200/- for a further period of six months with effect from 04-11-2012 to 03-05-2013 in the Directorate of Settlement and Land Records, Panaji-Goa.

2. The above appointment shall be for a period of six months or till they are regularized in the GPSC or superannuates, whichever is earlier.

3. The above ad hoc appointment will not bestow the promoted officers any claim for regular appointment and the service rendered on ad hoc basis will not count for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

4. The issues with the concurrence of the Goa Public Service Commission, Panaji, as conveyed vide its letter No. COM/II/11/29(1)/07/456 dated 05-06-2013.

By order and in the name of the Governor of Goa.

*Ashutosh Apte*, Under Secretary (Revenue-I).

Porvorim, 12th June, 2013.

#### Notification

No. 23/22/2012-RD

Whereas it appears to the Government of Goa (hereinafter referred to as “the Government”) that the land specified in the Schedule hereto (hereinafter referred to as the “said land”) is likely to be needed for public purpose, viz. Land Acquisition for construction of 80 cum GLR and providing and laying 250 mm dia P.I. Pipeline from 1200 dia PSC Main to proposed 800 m3 GLR and from 800 M3 GLR to existing Dist. Network at Handkant in Verna Village of Salcete Taluka (Addl. Area).

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as “the said Act”) that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act, the Deputy Collector (Rev.) South, Margao-Goa to perform the functions of a Collector, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Deputy Collector (Rev.) South, Margao-Goa.
3. The Executive Engineer, W.D. IX (PHE), Fatorda, Margao-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector (Rev.) South, Margao-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

#### SCHEDULE

(Description of the said land)

<i>Taluka:</i> Salcete		<i>Village:</i> Verna
Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approx area in sq. mts.
1	2	3
197/2	1. Jane Isadora Fernandes. 2. Lydia Ignatia Fernandes.	250
197/3	1. Dharmo Shet. 2. Lydia Ignatia Fernandes. 3. Jane Isadora Fernandes. 4. Valeriano Fernandes. 5. Magdalena Clara Noronha e Fernandes alias Maggie Fernandes. 6. Antonio Jose Diogo Presentaca Fernandes alias Anthony Joseph Fernandes. 7. Maria Amelia Fernandes.	250



1	2	3
<i>Boundaries :</i>		
North : S. No. 197/2, 3.		
South : S. No. 197/2, 3.		
East : S. No. 197/3.		
West : S. No. 197/1.		
		Total: 500

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Revenue-II).  
Porvorim, 12th November, 2012.

#### Notification

No. 23/5/2010-RD

Whereas by Government Notification No. 23/5/2010-RD dated 14-11-2011 published in Official Gazette, Series II No. 34 dated 24-11-2010 and in two newspapers (1) "Tarun Bharat" dated 18-11-2011 and (2) "Herald" dated 18-11-2011 it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was needed for public purpose, viz. Land Acquisition for const. of four lane road including Geometric Improvement from Chicalim junction to Airport at Dabolim under Cortalim Constituency.

And whereas, the Government of Goa (hereinafter referred to as the "Government") after considering the report made under sub-section (2) of Section 5-A the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

The Government also hereby appoints under clause (c) of Section 3 of the said Act, the Dy. Collector & SDO, Mormugao-Goa to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

A plan of the said land can be inspected at the office of Dy. Collector & SDO Mormugao-Goa till the award is made under Section 11.

#### SCHEDULE

(Description of the said land)

*Taluka:* Mormugao *Village:* Chicalim

Survey No./ Sub-Divn. No/	Names of the persons believed to be interested	Area in sq. mts.
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1	2	3
84/1 part	O: Comunidade of Chicalim.	988
85/1 part	O: Comunidade of Chicalim. Fregendo Alex Nunes.	12577
162/1 part	O: Comunidade of Chicalim. Director of Animal Husbandry & Veterinary Services.	310

Total: 13875

*Taluka:* Mormugao *Village:* Vasco City

125-A/29	O: Mauro Ponciano Gerson Rebello.	47
125-A/30	O: Smt. Jyotsna Dilip Dhuru.	72.

Total: 119

*Boundaries :*

#### Chicalim

North : S. No. Road.

South : S. No. 85/1, Road.

East : S. No. 85/1, 91/1, 3, 4, 5,  
85/3, 85/4, 87.

West : Road, S. No. 84,  
Vasco City, 162/1.

*Boundaries :*

#### Vasco

North : Road.

South : Road.

East : Road.

West : S. No. 125-A/28, 7.

Grande Total: 13994

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 15th January, 2013.

**Notification**

No. 23/9/2012-RD

Whereas it appears to the Government of Goa (hereinafter referred to as “the Government”) that the land specified in the Schedule hereto (hereinafter referred to as the “said land”) is likely to be needed for public purpose, viz. Land Acquisition for the construction of siphon for B/3 distributory of Right Bank Main Canal of Tillari Irrigation Project from ch. 1085 m. to 1240 m. in Ozorim Village of Pernem Taluka.

Now, therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as “the said Act”) that said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of Section 3 of the said Act, the SLAO (North) GTIDC Karaswada-Mapusa, Bardez-Goa to perform the functions of a Collector, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji-Goa.
2. The SLAO (North) GTIDC Karaswada-Mapusa, Bardez-Goa.

3. The Executive Engineer, W.D. VII, GTIDC, Dhargal, Pernem-Goa.

4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the SLAO (North) GTIDC, Karaswada-Mapusa, Bardez-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

**SCHEDULE**

(Description of the said land)

*Taluka:* Pernem*Village:* Ozorim

Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3

75 Part O:	1. Surenderanath Shripad Dessai Cabes de Casal.	1325
	2. Executive Engineer, WD XIII (Roads) PWD, Mapusa-Goa.	
20 O:	1. Surenderanath Shripad Dessai Cabes de Casal.	1045
	2. Executive Engineer, WD XIII (Roads) PWD, Mapusa-Goa.	

*Boundaries :*

North : S. No. 75/-, 20/1.

South : S. No. 20/1, S. No. 75/-.

East : S. No. 75/-.

West : S. No. 20/1.

Total: 2370

By order and in the name of the Governor  
of Goa.

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 11th June, 2013.

**Notification**

No. 22/14/2011-RD

Whereas by Government Notification No. 22/14/2011-RD dated 02-04-2012 published on page 40 of Series II No. 2 of the Official Gazette, dated 12-04-2012 and in two newspapers (1) “The Navhind Times” (2) “Goa Doot” both dated 04-04-2012, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as “the said Act”) that the land specified in the Schedule appended to the said Notification was likely to be needed for the

public purpose viz. Land acquisition for construction of Residential Quarters and Garages for car parking of the Judges at Mapusa.

And Whereas, the Government of Goa (hereinafter referred to as “the Government”), after considering the report made under sub-section (2) of Section 5-A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as “the said land”).

Now, Therefore, the Government hereby declares, under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of Section 3 of the said Act, the Deputy Collector & SDO, Mapusa, Bardez-Goa, to perform the functions of a Collector, North Goa District, Panaji-Goa, for all proceedings hereinafter to be taken in respect of the said land, and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector & SDO, Mapusa, Bardez-Goa, till the award is made under Section 11.

#### SCHEDULE

(Description of the said land)

*Taluka:* Bardez

*City:* Mapusa

P. T. Sheet No./Chalta No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3

61/14 part	Late Candido Carrasco. In possession of Shri Florencio Inacio Carrasco.	1140
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#### *Boundaries:*

North: Road.

South: PTS No. 61, Chalta No. 14.

East : PTS No. 61, Chalta No. 14.

West : Road.

Total: 1140

By order and in the name of the Governor of Goa.

*Ashtutosh Apte*, Under Secretary (Revenue-I).

Porvorim, 10th June, 2013.

## Department of Sports and Youth Affairs

Directorate of Sports and Youth Affairs

### Order

No. DSYA/Lusofonia Games/Committees/2013/5730

Government is pleased to designate Secretary (Sports) as the Chief Executive Officer, Lusofonia Games and Executive Director, Sports Authority of Goa as the Joint Chief Executive Officer, of the Lusofonia Games Secretariat set up by the Government of Goa for the conduct of Lusofonia Games, 2013.

By order and in the name of the Governor of Goa.

*V. M. Prabhu Desai*, Director & ex officio Joint Secretary (Sports & Youth Affairs).

Panaji, 4th February, 2013.

### Order

No. 1/05/Youth Awards/2001/SLCC/DSYA/2825

Government is pleased to constitute a State Level Co-ordination Committee consisting of the following members in order to advise the Government in the matter of National/State Youth Awards and for the selection of the Best Youth for various State/Inter-State/National/International Youth Programmes for a period of three years from the date of the order coming into force.

### State Level Committee

Sr. No.	Name & Designation	
1.	Shri Keshav Chandra, Secretary (Sports & Youth Affairs)	Chairperson.
2.	Shri M. S. Jamble, Asstt. Programme Advisor Nehru Yuva Kendra	Member.
3.	Shri S. N. Sharma, Zonal Director, Nehru Yuva Kendra	Member.
4.	Shri Soiru Velip, Media Representative	Member.
5.	Shri Jeetendra Naik, Representative of a reputed Youth Organization (South)	Member.
6.	Smt. Subhadha Savaikar, Representative of a reputed Youth Organization (North)	Member.

7. Shri V. M. Prabhu Desai, Ex officio  
Director of Sports and Youth Member  
Affairs Secretary.

By order and in the name of the Governor  
of Goa.

V. M. Prabhu Desai, Director & ex officio Joint  
Secretary (Sports & Youth Affairs).

Panaji, 10th September, 2012.

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**Order**

No. 8/39/87/SPORTS/Vol.II/01-05/4898

Sanction of the Government is hereby conveyed  
for the reconstitution of the General Body and  
Governing Council of the Sports Authority of Goa  
comprising of the following members:

**General Body of the Sports Authority of Goa**

1. The Hon. Chief Minister — President  
of Goa Ex officio.
2. The Hon. Minister for Sports — Vice President  
& Youth Affairs Ex officio.
3. i) Shri Glen Tiklo, — Member.  
Hon. M.L.A.  
ii) Shri Ganesh Gaonkar, — Member.  
Hon. M.L.A.
4. Secretary (Finance) — Ex officio-  
-Member.
5. Secretary (Sports & — Ex officio  
Youth Affairs) -Member.
6. Director of Education — Ex officio  
-Member.
7. Principal Chief Engineer, — Ex officio  
PWD -Member.
8. Director of Accounts — Ex officio  
-Member.
9. Director of Sports & Youth — Ex officio  
Affairs -Member.
10. Executive Director, SAG — Member.
11. Chairman of Goa Board of — Member.  
Secondary & Higher  
Secondary Education
12. Seniormost Officer/Coach — Member.  
of Sports Authority of India  
(SAI) in Goa
13. President/Secretary — Member.  
Goa Olympic Association
14. **8 (Eight) Experts/Promoter in the field of Sports:**
  - i) Shri Oscar Costa — Member.
  - ii) Shri Francisco Costa — Member.
  - iii) Shri Chetan Kavlekar — Member.
  - iv) Shri Deelip Naik — Member.

- v) Shri Sharendra Naik — Member.
- vi) Shri Vilas Palkar — Member.
- vii) Shri Sudesh Gaonkar — Member.
- viii) Shri Arun Bhat — Member.

15. President, Sports Journa- — Member.  
lists' Association of Goa

**16. Outstanding Sportswomen:**

- i) Ms. Sarika Naik — Member.

**17. Outstanding Sportsman:**

- i) Shri Armando A. Colaco — Member.

**18. President/Secretaries of 22 State Associations**

- i) Goa Football Association — Member.
- ii) Goa Sepak Takro — Member.  
Association
- iii) Goa Volleyball — Member.  
Association
- iv) Goa Swimming — Member.  
Association
- v) Taekwondo Association — Member.  
of Goa
- vi) Goa Boxing Association — Member.
- vii) Goa Table Tennis — Member.  
Association
- viii) Goa Badminton — Member.  
Association
- ix) Goa Kabaddi Association — Member.
- x) Goa Kho-Kho Association — Member.
- xi) Goa Athletics — Member.  
Association
- xii) Goa Baseball Association — Member.
- xiii) Goa Chess Association — Member.
- xiv) Goa Hiking Association — Member.
- xv) Goa Handball Association — Member.
- xvi) Goa Judo Association — Member.
- xvii) Goa Tennis Ball Cricket — Member.  
Association
- xviii) Goa Body Building & — Member.  
Fitness Association
- xix) Goa Yoga Association — Member.
- xx) Goa Yachting Association — Member.
- xxi) Goa Archery Association — Member.
- xxii) Weight Lifting — Member.  
Association of Goa
19. President, Principals' — Member.  
Forum of Higher Secondary  
Schools
20. President, Goa Headmasters' — Member.  
Association
21. The Registrar/Asstt. Director — Member.  
of Sports, Goa University
22. Managing Director, Goa — Member.  
Industrial Development  
Corporation



23. Secretary, SAG (To be brought on deputation from the Directorate of Sports & Youth Affairs) — Member Secretary.

**Governing Council of the Sports Authority of Goa**

1. The Hon'ble Minister for Sports & Youth Affairs & Vice-President, SAG — Chairman.
2. Shri Glen Tiklo, Hon. M.L.A. — Member.
3. Shri Ganesh Gaonkar, Hon. M.L.A. — Member.
4. Secretary (Finance) — Ex officio-Member.
5. Secretary (Sports & Youth Affairs) — Ex officio-Member.
6. Director of Sports & Youth Affairs — Ex officio-Member.
7. Executive Director, SAG — Member.
8. **President/Secretaries of six State Sports Associations:**
  - i) Goa Amateur Athletic Association — Member.
  - ii) Goa Cricket Association — Member.
  - iii) Goa Volleyball Association — Member.
  - iv) Goa Swimming Association — Member.
  - v) Goa Football Association — Member.
  - vi) Goa Badminton Association — Member.
9. **Two experts/promoters in the field of Sports:**
  - i) Shri Schubert Furtado — Member.
  - ii) Shri Kapil Angle — Member.
10. **Two Outstanding Sportspersons**
  - i) Shri Armando A. Colaco — Member.
  - ii) Shri Paresh Kamat — Member.
11. Treasurer to be elected in the first meeting of the General Body — Member.
12. Managing Director, Goa Industrial Development Corporation — Member.
13. Secretary, SAG (to be brought on deputation from the Directorate of Sports & Youth Affairs) — Member Secretary.

The President of the General Body and the Chairman of the Governing Council may co-opt or invite any additional members from time to time not exceeding five at a time, to attend any of the meetings of the Authority depending on the Agenda of the meeting.

Shri Rajendra Arlekar, Hon. Speaker will attend the General Body meetings as Co-President during the 3 years term of the General Body.

The tenure of both the Committees will be for a period of three years from the date of issue of the order. The official members will be entitled to claim TA/DA for attending the meeting as Grade I Officers as and when they attend the meeting.

By order and in the name of the Governor of Goa.

*V. M. Prabhu Desai*, Director (Sports & Youth Affairs).

Panaji, 28th December, 2012.

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The Sports Authority of Goa  
Myles High, Patto Plaza

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**Order**

No. SAG-03/ADM-CO/PG.O/2012/2574

In pursuance to Clause 5 of the Right to Information Act, 2005, the following officers are designated as Asst. Public Information Officer, Public Information Officer and First Appellate Authority in respect of Goa Football Development Council as required under the Right to Information Act, 2005, until further orders.

- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| 1. Member Secretary, GFDC             | 1st Appellate Authority.          |
| 2. Jt. Director of Accounts, SAG/GFDC | Public Information Officer.       |
| 3. Project Officer (Women), SAG       | Asst. Public Information Officer. |

*Elvis P. Gomes*, Executive Director/Secretary, GFDC, SAG.

Panaji, 23rd October, 2012.

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Department of Tourism

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**Order**

No. 1/14(141-2)/13-DT/1137

In exercise of the powers conferred under sub-sections (1) & (2) of Section 5 of the Right to Information Act, 2005 (Central Act No. 22 of 2005) hereinafter referred to as the said Act and in Notification of earlier Orders in this regard, Shri Rajesh A. Kale, Assistant Director (Information) is hereby designated as Public Information Officer (North) of the Department of Tourism with effect from 01-06-2013.

The Designated officer shall exercise and perform the powers/functions laid down under Right to Information Act, 2005 with immediate effect.

*Nikhil Desai*, Director & Addl. Secretary/Public Authority (Tourism).

Panaji, 30th May, 2013.

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Department of Tribal Welfare,

Directorate of Tribal Welfare

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Order

No. 1-114-2012-DTW/2098

In exercise of the powers conferred by Section 3 read with Section 6 (3) of the Goa Commission for Scheduled Caste and Scheduled Tribes Act, 2010 (Goa Act 9 of 2010), the Government of Goa is pleased to appoint Shri Anant S. Shirvoikar as Chairperson of the Goa Commission for Scheduled Caste and Scheduled Tribes with immediate effect.

The Chairperson shall unless otherwise disqualified, hold office till 13-02-2014 (for the remainder period of the term of his predecessor) or until he attains the age of sixty five years whichever is earlier.

By order and in the name of the Governor of Goa.

*Arvind V. Bugde*, Director (Tribal Welfare).

Panaji, 6th September, 2012.

#### Corrigendum

No. 1/15/2010-11-ADMN/TW/4882

Read: Government Notification No. 1-15-2010-11-ADMN/TW/901 dated 31-05-2011.  
Government Notification No. 1-15-2010-11-ADMN/TW/1296 dated 30-06-2011.  
Government Notification No. 1-15-2010-11-ADMN/TW/1391 dated 07-07-2011.

At Sr. No. 6 in the above Notification may please be read as “Director of Tribal Welfare — Member Secretary” instead of Dy. Director of Tribal Welfare – Member Secretary”.

By order and in the name of the Governor of Goa.

*Arvind V. Bugde*, Director (Tribal Welfare).

Panaji, 13th December, 2012.

#### Corrigendum

No. 13/6/2005/DTW/2028

Read: Order No. 13/6/2005/DTW/370 dated 24-04-2012.

Name of the Director at Serial Number 3 in the above cited Order may be read as Shivaji alias Janu Gopal Gawade, Priol in place of Shivaji Gawade, Priol and the name of the Director at Serial Number 4 may be read as Anand Gawade, Borim-Ponda in place of Sanjay Gawade, Borim Shiroda.

In the last para of Order the entitlement of sitting allowances mentioned may be read as Rs. 800/- instead of Rs. 400/- as per the Government decision in force.

*Arvind V. Bugde*, Director (Tribal Welfare).

Panaji, 3rd September, 2012.

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